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DEBATES

OF

THE SENATE

OF THE

DOMINION OF CANADA

1896

REPORTED AND EDITED BY

HOLLAND BROS.

Official Reporters of the Senate of Canada

FIRST SESSION—EIGHTH PARLIAMENT

OTTAWA

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1896

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SENATORS OF CANADA.

1st SESSION, 8th PARLIAMENT, 60th VICTORIA.

1896.

THE HONOURABLE C. A. P. PELLETIER, C.M.G., SPEAKER.

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
DAVID REESOR	King's	Yorkville, Ont.
GEORGE WILLIAM ALLAN	York	Toronto.
JOSEPH F. ARMAND	Repentigny	Rivière des Prairies, P.Q.
ROBERT B. DICKEY	Amherst	Amherst, N.S.
WILLIAM MILLER	Richmond	Arichat, N.S.
DAVID WARK	Fredericton	Fredericton, N.B.
ABNER REID MCCLELAN	Hopewell	Riverside, Albert Co., N.B.
JAMES DEVER	Sr. M. St. John	St. John, N.B.
ALEXANDER MACFARLANE	Wallace	Wallace, N.S.
SIR FRANK SMITH, Kt	Toronto	Toronto.
JOHN SUTHERLAND	Kildonan	Winnipeg, Manitoba.
WILLIAM JOHN MACDONALD	Victoria, B.C.	Victoria, B.C.
MATTHEW HENRY COCHRANE	Wellington	Compton, P.Q.
ALEXANDER VIDAL	Sarnia	Sarnia, Ont.
JOSEPH HYACINTHE BELLEROSE	DeLanaudière	St. Vincent de Paul, P.Q.
RICHARD WILLIAM SCOTT	Ottawa	Ottawa.
JAMES D. LEWIN	St. John	St. John, N.B.
LAURENCE GEOFFREY POWER	Sr. M. Halifax	Halifax, N.S.
C. A. P. PELLETIER, C.M.G., *Speaker*	Grandville	Quebec.
JOSEPH ROSAIRE THIBAUDEAU	Rigaud	Montreal.
C. E. BOUCHER DE BOUCHERVILLE, C.M.G.	Montarville	Boucherville, P.Q.
WILLIAM J. ALMON	Jr. M. Halifax	Halifax, N.S.
THOMAS MCKAY	Truro	Truro, N.S.
ALEXANDER W. OGILVIE	Alma	Montreal.
DONALD MACINNES	Burlington	Hamilton, Ont.
THOMAS R. MCINNES	New Westminster	Victoria, B.C.
JOHN O'DONOHOE	Erie	Toronto.
P. A. DE BLOIS	La Salle	Mastaï, P.Q.
DONALD MCMILLAN	Alexandria	Alexandria, Ont.
GEORGE C. MCKINDSEY	Milton	Milton, Ont.
WILLIAM MCDONALD	Cap Breton	Little Glace Bay, N.S.
JOSEPH BOLDUC	Lauzon	Tring, P.Q.
THÉODORE ROBITAILLE	Gulf	New Carlisle, P.Q.
JAMES ROBERT GOWAN, C.M.G.	Barrie	Barrie, Ont.
MICHAEL SULLIVAN	Kingston	Kingston, Ont.

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SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
Francis Clemow	Rideau	Ottawa.
Pascal Poirier	Acadie	Shediac, N.B.
Samuel Merner	Hamburg	New Hamburg, Ont.
Charles Eusèbe Casgrain	Windsor	Windsor, Ont.
Lachlan McCallum	Monck	Stromness, Ont.
William E. Sanford	Hamilton	Hamilton, Ont.
J. J. Ross	De la Durantaye	Ste. Anne de la Pérade, P.Q.
William Dell Perley	Wolseley	Wolseley, N.W.T.
James Reid	Cariboo	Quesnelle, B.C.
Evan John Price	Laurentides	Quebec.
George A. Drummond	Kennebec	Montreal.
Samuel Prowse	King's	Murray Harbour, P.E.I.
Charles Arkel Boulton	Marquette	Shellmouth, Manitoba.
James Alexander Lougheed	Calgary	Calgary, N.W.T.
Louis François Rodrique Masson	Mille Isles	Terrebonne, P.Q.
Peter McLaren	Perth	Perth, Ont.
Hippolyte Montplaisir	Shawinegan	Cap de la Madeleine, P.Q.
Jabez B. Snowball	Chatham	Chatham, N.B.
Andrew A. Macdonald	Charlottetown	Charlottetown, P.E.I.
John Dobson	Lindsay	Lindsay, Ont.
A. C. P. Landry	Stadacona	Mastai, P.Q.
John Ferguson	Niagara	Toronto, Ont.
Thomas Alfred Bernier	St. Boniface	St. Boniface, Manitoba.
Clarence Primrose	Pictou	Pictou, N.S.
Sir Mackenzie Bowell, K.C.M.G	Hastings	Belleville, Ont.
John Nesbitt Kirchhoffer	Selkirk	Brandon, Manitoba.
Donald Ferguson	Queen's	Charlottetown, P.E.I.
Joseph Octave Arsenault	Prince	Abram's Village, P.E.I.
George T. Baird	Victoria	Perth Centre, N.B.
Sir William H. Hingston, K	Rougemont	Montreal.
Josiah Wood	Westmoreland	Sackville, N.B.
James O'Brien	Victoria	Montreal.
Joseph O. Villeneuve	De Salaberry	Montreal.
William Owens	Inkerman	Montreal.
James Cox Aikens	Home	Toronto.
George B. Baker	Bedford	Sweetsburg, Que.
Michael Adams	Northumberland	Newcastle, N.B.
David Mackeen	Cape Breton	Halifax, N.S.
Sir John Carling, K.C.M.G	London	London, Ont.
Thomas Temple	York	Fredericton, N.B.
Sir Oliver Mowat, K.C.M.G		Ottawa, Ont.
Louis J. Forget	Sorel	Montreal.
François Béchard	De Lorimier	St. Johns, Que.
Alfred A. Thibaudeau	De la Vallière	Montreal.

THE DEBATES

OF THE

SENATE OF CANADA

IN THE

FIRST SESSION OF THE EIGHTH PARLIAMENT OF CANADA, APPOINTED TO MEET FOR DESPATCH OF BUSINESS ON WEDNESDAY, THE NINETEENTH DAY OF AUGUST, IN THE SIXTIETH YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA

THE SENATE.

Ottawa, Wednesday, 19th August, 1896.

The Senate met at 2:30 P.M.

PRAYERS.

A communication under the Great Seal, from the Secretary of State, was read announcing that Hon. Mr. Pelletier had been appointed Speaker of the Senate. The Hon. Speaker then took the chair.

NEW SENATORS.

The following newly-appointed Senators were then introduced and took their seats :

Hon. Sir OLIVER MOWAT.
Hon. FRANÇOIS BÉCHARD.
Hon. LOUIS J. FORGET.

The House was adjourned during pleasure.

After some time the House was resumed.

The Hon. Sir Henry Strong, Knight, Chief Justice of the Supreme Court of Canada, Deputy Governor, being seated at the foot of the Throne.

The Hon. the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House,—" It is the Deputy Governor's desire that they attend him immediately in this House."

Who being come, the Hon. the Speaker said :

Honourable Gentlemen of the Senate :
Gentlemen of the House of Commons :

I have it in command to let you know, that His Excellency the Governor General does not see fit to declare the causes of his summoning the present Parliament of Canada, until the Speaker of the House of Commons shall have been chosen, according to law ; but, to-morrow, at the hour of three o'clock in the afternoon, His Excellency will declare the causes of his calling this Parliament.

The Deputy Governor was pleased to retire, and the House of Commons withdrew.

The Senate then adjourned.

THE SENATE.

Ottawa, Thursday, 20th August, 1896.

THE SPEAKER took the Chair at 2.30 p.m.

PRAYERS.

THE SPEECH FROM THE THRONE.

This day, at Three o'clock p.m., HIS EXCELLENCY THE GOVERNOR GENERAL proceeded in state to the Senate Chamber, and took His Seat upon the Throne. The Senators being assembled, His Excellency was pleased to command the attendance of the House of Commons. The members of that body, preceded by their Speaker, the Honourable JAMES DAVID EDGAR, appeared at the Bar. The Honourable JAMES DAVID EDGAR then informed His Excellency that the choice of the House of Commons had fallen upon him to be their Speaker; and he prayed for the members thereof the customary parliamentary privileges.

After which HIS EXCELLENCY was pleased to open the FIRST SESSION of the EIGHTH PARLIAMENT OF THE DOMINION OF CANADA with the following Speech :—

Honourable Gentlemen of the Senate :

Gentlemen of the House of Commons :

The necessity of making provision for the public service has compelled me to summon you together at this somewhat inconvenient season.

It is impossible to lay before you, at this session, the public accounts for the past year; or indeed any of the reports usually submitted to Parliament.

Under these circumstances and in view of the fact that you will be required to re-assemble early in the ensuing year, it does not appear expedient to invite your attention to any measures beyond the passage of the supplies.

The operation of the tariff will be made the subject of careful inquiry during the recess, with a view to the preparation of such a measure as may, without doing injustice to any interest, materially lighten the burdens of the people.

Immediate steps will be taken to effect a settlement of the Manitoba School question, and I have every confidence that, when Parliament next assembles, this important controversy will have been adjusted satisfactorily.

Gentlemen of the House of Commons :

The Estimates for the current year will be laid before you forthwith.

Honourable Gentlemen of the Senate :

Gentlemen of the House of Commons :

I hope that when you will have given the necessary attention to the consideration of the year's supplies, I may be able to relieve you from the duty of further attendance at this session of Parliament.

The House of Commons then withdrew.

BILL INTRODUCED.

Bill "An Act relating to Railways." —(Sir Oliver Mowat.)

THE ADDRESS.

The SPEAKER reported His Excellency's Speech from the Throne, and the same was then read by the Clerk.

Hon. Sir OLIVER MOWAT moved :

That this House do take into consideration the Speech of His Excellency the Governor General on Monday next, at three o'clock.

Hon. Sir MACKENZIE BOWELL—I would suggest to the hon. leader that he should make it Tuesday next, as many members of this House, if they return to their homes to-night, cannot be here on Monday afternoon unless they travel on the Sabbath. I would also suggest that the adjournment be until Tuesday next at eight o'clock, which is a more convenient hour for those who have to return from a distance. Without entering into the merits of the Speech from the Throne, I am very much gratified to notice a paragraph in the speech indicating that there is a probability that that very vexed question which has agitated the people of this country for the last few years is being finally settled. From recent editorial comments, in the organs of the Government, I was led to believe that some arrangement had been made by which a final settlement has already been reached and that the leader would be able to inform the House what that arrangement was. I do not wish to press for an answer at the present moment, but I call the attention of the House to the fact that statements have been frequently made by those journals which support the Government to the effect that the Manitoba School question has been finally settled, and I trust that the Government will be prepared, when the question comes before us for discussion, to take the country into their confidence and let us know what that settlement is. I assure hon. gentlemen that no one will rejoice more than I will when the question is removed from the political arena of federal politics.

Hon. Sir OLIVER MOWAT—We have not the slightest objection to accede to the suggestion of my hon. friend, if it is the desire of the House, that Tuesday should be substituted for Monday, and that the adjournment should be until eight o'clock instead of three in the afternoon of Tuesday. With regard to the Manitoba school question, I am glad that my hon. friend reads with such care what appears in the Reform newspapers. In this instance he has read them more carefully than I have myself, for I did not happen to read what my hon. friend has told us appeared there; but he is hurrying the matter a little too fast. We did not undertake, and did not expect to be able, to have everything settled by this session, but we do hope that before another session the question will be removed out of our way.

Hon. Mr. MASSON—Then what has appeared in the papers, that it has been settled, is not the case?

Hon. Sir OLIVER MOWAT—The question is not settled, but we have no doubt it will be finally settled. We are on the way to it, and I think if we accomplish a settlement, my hon. friend will consider it a good work, although we may not be ready this session to report.

The motion was amended to adjourn until Tuesday next at eight o'clock, and agreed to.

The Senate then adjourned.

THE SENATE.

Ottawa, Tuesday, August 25th, 1896.

The SPEAKER took the Chair at Eight o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Hon. Mr. LOUGHEED introduced Bill (A) "An Act respecting the payment of policies of insurance by foreign corporations," and moved that the same be read the first time.

Hon. Mr. SCOTT—I think the practice in this House, and in the other also, is not to introduce bills until after the Speech from the Throne has been answered.

Hon. Mr. ALLAN—Soon after Sir John Abbott became leader of this House, I remember he introduced a bill before the Speech from the Throne was answered, and it was objected to then, that it was irregular to do so. I consulted the law clerk of the other House about it, and he informed me that it was, at all events, contrary to usage.

Hon. Mr. LOUGHEED—I am quite willing that the bill should lie on the table until the address is disposed of.

THE LATE SENATORS READ AND SIR DAVID MACPHERSON.

Hon. Sir OLIVER MOWAT—Before the Orders of the Day are called, it would be comformable to the custom of this House that occupying the position I hold I should say a word or two in regard to those Senators who have gone to their long rest since the last session of the House. Two hon. members of this House have died since you last met here together. I have myself succeeded one of them, the Hon. Mr. Read. I had very little personal acquaintance with him. I am not quite sure that I met him more than once in my life, and that was within two or three years of his death. At the same time, I know from repute that he was highly thought of in his own locality, and wherever else he was known, for the sterling qualities which he possessed, and as a politician he had a very large influence. Other hon. gentlemen more familiar with him than I am, and who met with him here in the Senate, will be able to speak more fully on the subject than I can. The death of the other hon. member to whom I refer —Sir David Macpherson—has occurred within a very few days. He was a strong politician too, and those whose politics were the same as his own have special reasons for regarding him very highly indeed. But I know something of him too; I knew something of him in business; I knew something of him socially, I knew something of him in other respects; likewise, and I learned to form a very high opinion of his ability. It was far beyond the average. His intellect was exceptionally clear; he was a very active man; and a very influential man in every matter in which he

took part. He was a genial man likewise, possessed of a very friendly disposition and enjoyed doing a good turn for others. During the latter years of his life he was an invalid, and was obliged to spend most of his time abroad. But Canada was his country by adoption, and it was the country of his affection likewise. He came to Canada in his youth, and it was here he acquired his wealth and his honours. I take a special interest in referring to him because such was his feeling in regard to this country that he gave his life for the purpose of visiting once more his home here and his family. Other hon. gentlemen will be able to say more of him than I can. I should not have done justice to my feelings without saying this much in reference to the Hon. Sir David Macpherson.

Hon. Sir MACKENZIE BOWELL—The painful duty which has been discharged by the hon. gentleman who has just spoken, is one which has devolved upon me every session since I have had the honour of a seat in the Senate. It is a painful duty when we have to refer to those with whom we have been so intimately associated as I have been for over half a century with one of the gentlemen to whom reference has been made, I mean the Hon. Robert Read. It was my good fortune, as a young man, when he first came to Canada, so long ago as 1836, to form his acquaintance. At that period of life he was all that the hon. leader of the House has said in reference to his character. He was one of those men who was always ready and willing, as far as his means would permit, to assist not only his own countrymen, but everyone who came in contact with him and who required assistance. I need scarcely say to the gentlemen in this Senate who have occupied seats here for a number of years and have had the pleasure of his acquaintance and association, that he was one of those rare men whose word was his bond, knowing no nationality or creed when he was called upon to aid his fellow men. He was strong and firm in his convictions —just what the hon. gentleman has said, one of those politicians who never swerved, believing, as he did, that the policy of the party with which he was allied was most beneficial to the country. I think it is a good trait in the character of the human race that when those with whom we have associated and whom we have learned to respect pass away, no matter what their individual opinions may have been politically or religiously, that we can speak of them in terms such as we have heard to-night. No man in Canada will miss the Hon. Robert Read more than I shall. He was a firm, consistent and devoted friend of mine, personally and politically, and I think I can safely say it will be a long time before I shall meet another in whom I can place the same confidence and for whom I can have greater respect. I was familiar with his rise and progress in business and in his social relations with the section of the country where he lived; and I know the great influence which he possessed. It was proved by the success which attended his first entrance into public life, in 1862, when he ran in the Quinté Division for a seat in the Legislative Council. At Confederation, as was well known to those who were in public life at that day and those acquainted with the history of this country, there was an agreement entered into that there should be in the Senate an equal division of seats between the two parties. The Conservatives having then, as they have now, a large majority in the Legislative Council, Mr. Read placed his seat at the disposal of the then leader of the party, Sir John Macdonald, telling him that he could select whom he pleased. All he wanted to know was whether he was to be one of the selected or to be left out. I remember, when he went to visit Sir John Macdonald at the time, he told him that if his seat in the Senate was wanted, he would contest one of the ridings in the County of Hastings; Sir John Macdonald thanked him for his kind offer, and he at once announced himself a candidate for East Hastings, which he carried by six or seven hundred majority. He had an influence the result of stern integrity and a level head. He was a man who was not only capable, but formed independent opinions on all questions which came before the country and took that side which seemed to him to be in the interests of Canada as a whole. Like Sir David Macpherson, Canada was the home of his adoption. An Englishman by birth and Canadian by adoption, he was a British subject under all circumstances. In reference to Sir David Macpherson, I had not the same personal acquaintance with him that I had with the Hon. Robert Read, but it was my good fortune to have sat in the

councils of this country with Sir David Macpherson for a number of years, and a more assiduous and honest administrator of the affairs that came under his consideration never sat at the Council Board. I can readily re-echo the sentiments of my hon. friend who leads the House, that he was a man of broad, comprehensive intellect; he was devoted to the interests of his country, so far as he knew, and in so far as he believed that he was right in the course he was pursuing. I can assure those who had not the same intimacy with him that I had, that at the Council Board it was very difficult to make him deviate from a point which he believed to be right. He will be missed by us all. He will be missed by his party, by whom his advice was always valued, and those with whom he acted will have cause to regret the loss which his death causes to the Senate, to his family and to his country. It is the lot of all of us, and as many of us in the Senate are tolerably well advanced in years our seats may be found vacant when another year rolls on. I can only hope that when we depart this life we may be as well prepared for it as our old friend Mr. Read was when he died.

Hon. Mr. MILLER—As one of the oldest members of this House—one of the small band yet remaining of those who were here at the birth of the Dominion—the sad duty has frequently devolved on me of expressing regret at the loss of many esteemed colleagues in this Chamber; but never in all the years that have since elapsed, on any similar occasion, have I felt more sincere sorrow than the announcement of the death of Sir David Macpherson has caused me. It was my privilege to enjoy the valued friendship and confidence of the deceased Senator for very many years, so that my opportunities of fairly estimating his character were exceptional, and now that he is no more, it is not in the language of unmeaning eulogy I desire to bear my humble testimony to his public virtues and his private worth.

There never was a member of this House for whom I entertained a more sincere respect—founded on an intimate acquaintance, than I felt for our lamented colleague. Indeed the word respect very feebly and inadequately expresses the feelings I entertained, and had good reasons for entertaining, towards him.

A striking personality in every way—mentally as well as physically, the late Sir David Macpherson possessed many sterling qualities that attracted admiration and esteem. A thorough patriot according to his lights, and above all an honest man, his integrity as a statesman, or as a private citizen, requires no vindication from his friends. Beneath a reserved exterior, which was often attributed to a lack of feeling by those who did not know him well, he possessed a warm heart, and the most generous impulses, under the influence of which I have often seen him exhibit the sensibility of a child. Honourable and straightforward in all his actions, he scorned duplicity, and, a rare quality among politicians, he never pretended to be, either to friend or foe, what he was not. As a party man, and ever an intrepid champion of his party's cause, in whose behalf he did yeoman's work, he was always ready to acknowledge the services of others, while undervaluing his own; for unaffected modesty was a very distinct trait of his character. I am convinced no one could be animated by less selfish motives than was the late Sir David Macpherson throughout his whole public career. The high positions of public trust which he held from time to time came to him unsought, and I believe were only accepted in obedience to what he considered the dictates of duty.

In all the walks of life—socially, politically, and in relation to the industrial development of Canada, our late colleague occupied a high and prominent position among his fellow citizens. His clear head, his practical common sense, his unquestioned rectitude, and unfailing steadfastness of purpose, were crowned with the success they merited, and in a degree which few men achieve. A more efficient and impartial presiding officer never sat in the chair of the Senate, and his princely hospitality while he occupied that position—and indeed at all other times—will not soon be forgotten by those who shared it, and who yet live to bear in sad but kindly recollection the genial and generous host of many a festive scene. And in this connection, I think I may safely say, that no Senator of those days will fail to call to mind the estimable lady whose genuine kindness and unaffected amiability gave a charm to these occasions, and endeared her to all who came within the spell of their magical influence.

When Sir David Macpherson, in failing health, assumed the onerous duties of the Interior Department, he took upon himself a burden which only loyalty to his chief, and a sense of public duty could induce him to assume. Sir John Macdonald considered that integrity and firmness were indispensable qualifications in the incumbent of that responsible position, and that Sir David possessed those qualities in a remarkable degree was not a matter of doubt. That he applied himself faithfully and diligently to the work he had undertaken is beyond dispute, and that the guiding principles of his administration of North-west affairs deserved, if they did not achieve, success, cannot be fairly denied. He was not answerable for the causes of the subsequent troubles in the Territories, which were inherited from others, and beyond his control.

It is well known, especially in the old provinces of Canada, that Sir David Macpherson was one of the earliest pioneers in the industrial development of this country. The evidences of his energy and business capacity are numerous in the great province which was his adopted home. The public works, with whose construction he was connected, all contributed vastly to the amelioration of the condition of the people, and the general prosperity of the country. It is almost impossible to realize to-day how much of that prosperity is due to the foresight and enterprise of such men as the late Sir David Macpherson and his associates. But they have left their mark on this fair land, which time can only slowly efface, if indeed it can ever obliterate.

As I recall the great changes that have taken place in this Senate since the inauguration of confederation—how few of those remain who occupied seats in this chamber in the first Parliament of the Dominion—it is not strange, that the thoughts of other days, the reminiscences of by-gone years, the recollections of so many esteemed colleagues who have "gone to that bourne whence no traveller returns," it is not strange, I repeat, that these thoughts should crowd thick and fast upon my memory. I do not yet feel exactly "like one who treads alone some banquet hall deserted," but often as I pace the halls of this Senate, I cannot fail to remember the many ornaments of the public life of Canada who have filled these seats, and who, one after another, have dropped into the silence of the tomb. Our lamented colleague, the late Sir David Macpherson, is the last to join the sad procession, but he was not the least conspicuous or respected, alike for his qualities of head and heart, among the distinguished men who gave weight and dignity to this body, and wisdom to its deliberations. The death of such a man can only be regarded as a national loss. That noble presence, that honest face, that fine, old manly form, will never again grace this chamber; but it will be long, indeed, before those of us who knew him and had learned to correctly appreciate him, will forget the warmth of his heart, or the truthfulness of his character; his fidelity to his friends and his unselfish devotion to the interests of his adopted country. He has left a heritage to his family far more precious than his wordly goods, and of which they may well feel proud.

Hon. Mr. ALLAN—I almost hesitate, after what has been so well said by the leader of the House in reference to the late Sir David Macpherson and the very eloquent tribute which has been paid to his memory by my hon. friend opposite, to take up the time of this House by saying even a few words, but having enjoyed for so many long years the personal intimacy and, I may say, very strong friendship of Sir David, I feel as if I could not allow this occasion to pass without saying a few words in reference to him. One of the most marked features in Sir David's career, as a public man, was the entire absence in his case of any inducement to enter political life for mere personal gain or advantage, and I believe that no man ever did enter political life with higher motives or more sincere desire, not to further merely the interests of a party, but to serve the interests of his country. Throughout the whole of his career he showed that he was ever guided by a strong sense of public duty and the responsibilities of office. When he was Speaker of this House, I am sure few will forget the dignity and impartiality with which he presided, or, as has been alluded to already, the generous hospitality which he exercised; but I have always felt that when Sir David passed from the Chair of this House and afterwards became Minister of the Interior, to a certain extent he might then be said to have really sacrificed his life for his country. Whatever may have been the opinion with regard to the management of that department by Sir David Macpherson,

no man can deny to him the most intense and sincere desire to carry out and administer the affairs of that great territory with which he was charged with the most thorough impartiality, and with one view, namely, to protect the public interest and promote the settlement and development of the country, and I really believe that the strain which then came upon him, the necessity he felt that all the duties of the office should be thoroughly and properly fulfilled, laid the foundation of the illness to which after many years he has at last succumbed. Few persons could know Sir David intimately without being exceedingly impressed with his sound judgment and the care and deliberation with which he approached any subject before arriving at a decision. In him the country has lost one of her soundest advisers, and this House one of the most useful members, to whose opinions we all looked up with respect. The Premier has alluded to Sir David's affection for his country. There is no doubt that Sir David's engrossing idea, his strong wish, was to return to Canada while he yet lived. It was not given to him to have this wish fulfilled or see these shores again. On the voyage he passed away in peace to another home—a better one than this—but I am quite sure that his memory will always be held in this country n the greatest respect as an upright and ure statesman, who had thoroughly the elfare and the interests of his country at hart.

Hon. Mr. MACINNES (Burlington).—I cannot refrain from saying a few words to express my sympathy and sorrow on the death of Sir David Macpherson. It was my good fortune to have the advantage of his friendship for many years. The honourable Senators who have preceded me have left but little for me to add. All that I can say is this: that I cordially endorse every word that has been said. He has left behind him a spotless name and a high example to those who come after him.

Hon. Mr. CLEMOW—I hope it may not be considered presumptuous on my part to say a few words respecting Sir David Macpherson. I probably knew him longer than any other man in this Chamber. When he came to this country he was first employed as a clerk with myself in the large forwarding establishment of Macpherson, Crane & Co. By his perseverance he became a partner in that concern and managed the business until misfortune overtook the concern by the construction of the Grand Trunk Railway. Then he went into railway construction. I may say, from personal knowledge of Sir David, that he was a man who was eminently qualified to perform any duties which he undertook. As you all know, the firm of Crane and Company at one time did a very large business, which Sir David managed to the entire satisfaction of the members of the firm and the country at large. I know it was with great reluctance that he was obliged to abandon the operations of the forwarding company to enter into the construction of the road of which you have heard so much. His disposition was, as has been described by the hon. member from Richmond, genial in every way. He had the confidence of his employers and the success of the undertaking of that great firm to a great extent was due to the manner in which he discharged his duties as a junior partner. Being, as I said before, a clerk with him for many years, I knew him intimately, travelling with him from one end of the country to the other in the winter season, and I had a personal knowledge of his character and his business qualifications.

Hon. Mr. POWER—It has been customary on occasions like this that the House should content itself with hearing from the leader of the House and the leader of the Opposition; but that practice has been departed from on the present occasion, and I think with propriety; and as it has been departed from, perhaps the House will pardon me if I add a few words to what has been said. When I came into the Senate in 1877, there were hardly any more conspicuous figures in this House than the two Senators whose death we now deplore. The Hon. Robert Read, generally known as the hon. gentleman from Quinté, sat where the hon. member from Calgary sits now. His voice was a very sonorous one, and was heard very distinctly and to very great purpose in this chamber. Hon. gentlemen who knew Mr. Read only during the last few years can form no conception of his vigour and energy in early days. The hon. gentleman claimed—and I believe with a good deal of foundation—to be the man who initiated the National Policy in this country; he was the first, at any rate, to bring that

policy before parliament. He was a very vigorous and energetic enemy, but there was no poison on his sword, and when the fight was over he was ready to be friendly and shake hands with his opponent. I cannot help recalling one instance which indicates that characteristic, the generosity which a really courageous man generally exhibits. On one occasion an attack was made upon a gentleman in this House, which the hon. gentleman from Quinté thought was not called for. He differed in politics from that gentleman, but Mr. Read stood up and defended in the most energetic and vigorous way his political opponent. I was very much impressed by it at the time. I never forgot it and I have thought it worth mentioning as illustrating his character. Most of you, hon. gentlemen, knew him, and you know that as far as his abilities went—and they were very considerable—he did his duty as a senator and as a Canadian in a most thorough way. I only hope that we may have in the future many gentlemen who will do their duty as well. Sir David Macpherson, when I came here, was, as everybody knows, a very conspicuous member of this House. At that time I was looked upon as being not very much more than a boy, and I stood in some awe of Sir David and got the impression that he was rather severe and austere to those who did not sympathize with him in politics; but I learned afterwards that that was really not the case, and that underneath his somewhat austere manner in the House, a very kindly heart was concealed; and when he came to be Speaker of the House, he made no distinction between the members of the two parties inside this House or out of it. The members of both parties were treated in the same way. Those two gentlemen who have gone, I trust, to their reward, were men of whom Canada has every reason to be proud and may be regarded as model citizens. We here are only doing our duty in emphasizing our sense of the loss which the country has sustained by their departure.

Hon. Sir OLIVER MOWAT—I think it is the desire of the House not to proceed with the orders of the day this evening, and I therefore move the adjournment of the House.

Hon. Mr. MILLER—I would suggest to my hon. friend to amend the motion and move that the House do now adjourn out of respect to the memory of those two departed senators.

Hon. Sir OLIVER MOWAT—I have no objection.

Hon. Sir MACKENZIE BOWELL—Does the hon. leader of the House accept the suggestion of the hon. gentleman from Richmond? If the motion is put in that way, I shall refrain from bringing under the notice of the House a matter that I intended to mention. If it is a mere motion for adjournment, then I shall take advantage of it to call the attention of the leader of the House to a subject which I consider deserves attention.

Hon. Sir OLIVER MOWAT—I have accepted the suggestion that we should adjourn out of respect for the memory of the two deceased senators.

The motion was agreed to.

The Senate then adjourned.

THE SENATE.

Ottawa, Wednesday, 26th August, 1896.

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

A QUESTION OF PRIVILEGE

Hon. Sir MACKENZIE BOWELL—Before the orders of the day are proceeded with, I desire to call the attention of the leader of the House to one or two statements made by one of his colleagues, the Hon. Mr. Blair, Minister of Railways and Canals, during the contest which has been proceeding in the county of Sunbury, N.B. I do so because I think the utterances reflect upon the honour of this House and its members, and therefore should not only be noticed by the members, but should be resented, if I may use the strong expression, by the government of which that gentleman is a member. I use more particularly to ask my hon. friend who leads this House whether he, as the Minister of

Justice of this country, was, or could, by any possibility, be a party to the trafficking in seats in the Senate. That the House may be more fully put in possession of the point to which I refer, I will read one or two of the extracts which I find in a report in the *Daily Telegraph*, the organ of the Liberal party in New Brunswick. Mr. Blair, in referring to the position which he holds in the Cabinet and also to the fact that he had not a constituency, used this language:

> What Mr. King has said to you is absolutely and entirely true. I was, and continued to be, decidedly averse to agreeing to any proposition that Mr. King should vacate his seat as the representative for these united counties, and that we should lose his valuable services as a representative in the Parliament of Canada. My own individual desire was, as he has stated, to have made a temporary arrangement for a seat in the Senate. A friend of mine was perfectly willing, there being no vacancy, to have loaned me, so to speak, his seat in the Upper Chamber for the short, and, as I think, the unimportant session now ensuing.

Now, is it possible that there is any senator in this House who is willing to traffic in that manner with the seat that he holds here, or is it possible that any government—because it could not be done without the consent of the Premier and of the government of which he forms a part—was willing to make an arrangement for the loaning of a seat in the Senate until a constituency could be obtained for one of its members. I have looked over the list of names of those who have seats in this chamber from the province of New Brunswick, and I cannot place my finger upon a single name among those gentlemen who, I believe would so far forget his own position and the respect due to this House and his own dignity, as to make a proposition, or to consent to any overture being made to him, to loan his seat for a short time in order to assist the party in its exigency. I freely say that I do not think for a moment that the hon. Minister of Justice was aware of any such agreement or any such proposition being made. I cannot conceive it possible that he would be a party to any proposition of that kind. If he were not a party to it, then Mr. Blair must have taken it upon himself to borrow a seat, expecting that his colleagues would be as ready as himself to carry out the arrangement. In the *Sun* I find in the report of another speech made on the 20th of the present month that Mr. Blair used this language:

> It was held that he could not get a seat from the Conservative party and must of necessity turn to the Liberals. As a matter of fact he was not in such dilemma. There was no such staunch feeling of loyalty to the defunct party as they would try to make out. The reason he had not got a seat elsewhere was that he felt there was such a thing as getting too high a price. He felt that it behooved the Liberal party to see that the Senate was not filled up with men whose views did not agree with those of the Liberal party.

To the latter part of that statement I take no objection, nor do I suppose that the party in power would, in the selection of members to fill vacancies which may have occurred, select gentlemen holding views different from those which they entertain and advocate; but from this particular statement you can draw only one deduction—some member of the Conservative party, holding a seat in the Lower House, must have been approached. If he were not approached, then Mr. Blair could not have known what price he demanded. Whether that be correct or not, I pass no opinion. I am only drawing the deductions which must be drawn from the utterances of this minister of the Crown, that he could have obtained a seat had he been prepared to give sufficient for it. Whether that was a pecuniary reward or whether it was a seat in this House I do not venture to offer an opinion. The ministers, in their negotiations with these gentlemen, if such negotiations were ever conducted, must know what the inward workings were, and what the demand was, and whether they were able to pay the price or not. What I desire to impress upon the minds of the leader of this House and his colleagues, and also on the members in the House, is, that the trafficking in seats, in the manner in which Mr. Blair declares that he has been trafficking, is an insult to every member of the House and to the whole Dominion. I do not wish it to be understood, hon. gentlemen, that I cast that reflection upon any member of the Commons who, belonging to a successful party, resigns his seat to give an opportunity to the government of the day to elect one of its members. There is a party fealty which should always exist between the supporters of the party and the government, and I have a feeling of pride when I see a man who, like my hon. friend who sits before me, enter Parliament the same year that I did, and has been working steadily in the interests of his party for about twenty-nine

or thirty years, was willing to make a sacrifice when it was deemed necessary in the interests of his party. I commend a man who would do that, but if a bargain be made by which, as Mr. Blair says, the price paid is enormously high and that too when he goes to try and invade the fortress of his enemies, another party, then it becomes venal in its character. I think my hon. friend who smiles at my remark, will agree with me that it is a much more important matter to sustain the dignity of the Senate, particularly after what has been said abroad in reference to the members of this House, than under any other circumstances. If my recollection serves me right, I read some little time ago an interview which had taken place between the hon. leader of the House and some newspaper reporter, or in a letter written by the Minister of Justice to his leader, that among other things it would be one of the duties—I do not know if it was to be the first duty—of this government to reform the Senate. I dare say using the word literally, away from the political meaning of the word, that most of us would not be harmed by a little reformation, but if the government is to begin a reformation, politically or otherwise, or in the constitution establishing the Senate, or in those who are to form the body hereafter, I advise him in all sincerity to begin within his own household, with the members with whom he has to associate every day and with whom he has to consult in the forming of a policy for the Government of Canada. He has plenty of room, plenty of missionary work about that round table at which the hon. gentleman at present has the honour of having a seat. I should like to know, having said this much and having called the attention of the House to these utterances of one of the most prominent ministers of the Crown, whether the policy which has been announced by Mr. Blair is the policy of the government, and whether they are aware and were a party to the negotiations which took place between the gentleman to whom he referred and Mr. Blair himself. When we have his answer we will be in a better position to deal more fully with this important subject.

Hon. Sir OLIVER MOWAT—I think the House will agree with me that my hon. friend is making a mountain out of a molehill. I know nothing of the transactions to which he refers. I know nothing of any negotiations between my friend Mr. Blair and anybody else, either a member of this House or a member of the other House. At the same time, from what I know of Mr. Blair and what I have always understood about him, I am quite sure that he has done nothing whatever that is inconsistent with the duties, the honour of a member of the government, or of a private gentleman. The hon. gentleman has quoted some expressions from a speech as reported in a newspaper. He seems greatly displeased with the expression of "loaning, so to speak," a seat in this House. With regard to that matter, and the other matter read from another newspaper, this is to be observed nothing took place. Whatever may have occurred as stated, according to the hon. member, in the newspaper extract, was merely a matter of talk, nothing more. If we have to consider anything at all, it is mere conversation, which may have been of the most casual description. Whether it would be wrong for a member of this House to resign in order that a minister of the Crown may get his seat, I do not think there can be much doubt. I fancy it would be a very proper thing, which nobody would dispute, that a member of this House, who thought it of importance a minister of the Crown without a seat should have a seat, should resign his own seat in this House or the other House in order to give the minister a seat. He might do that without any expectation of being re-elected at any future time, or being reappointed to this House at any future time, or he might do it expecting that he would be restored to his former seat on its becoming vacant, and I am not aware that there is any principle of law or any principle of ethics which would render anything of the kind improper. It may be of great interest to the country that a minister should get an immediate seat, and it might happen that there would be no other way of his getting it unless somebody resigned for him. Such arrangements are not uncommon in the other chamber; and if it is reasonable and proper and a well understood thing in the other House, I do not see that it is unreasonable or improper that a similar transaction should occur in this House. I am quite sure, if there was any talk about it, it would not in any sense be objectionable as a matter of ethics, or as a matter of constitutional usage. Then my hon. friend re-

ferred to an extract in another newspaper, in which Mr. Blair is reported to have said he might have got a seat in the other House if he was willing to pay enough for it. I daresay one might say that with truth. In any large body it is quite possible that there is someone that money or some thing would tempt, but Mr. Blair's saying what is stated if he did say it, does not amount to much. He made no offer—it is not pretended that he made any offer, or ever intended to make any offer, of a pecuniary kind or of any other kind in order to get a seat. It does not do, as my hon. friend knows very well, to critically examine every word that a public speaker is reported to have used on any particular occasion. It would embarrass us very much if we were to attempt to draw logical conclusions from such reports, as if every word were properly reported and carefully considered. Mr. Blair has been too long in public life, and is too well known in public life, for the House to doubt that there is any action of his that is not strictly honourable and that would not bear the closest investigation.

Hon. Mr. BECHARD—I am perhaps justified in believing that my hon. friend opposite has referred to me in speaking of his hon. friend on this side of the House and saying that a man in my position is justified in making sacrifices to receive the position of senator. I wish to inform my hon. friend and this House that I have not made the least sacrifice to receive the position of senator. The position was offered to me without any condition whatsoever, and before accepting it I received assurances from parties whose sincerity I could not doubt, that it had been for more than a year the intention of the present First Minister, which he had communicated to them, that if he ever reached the summit of power he would offer me a position in the Senate. It was after receiving the assurance that such had been his intention for a long time, that I decided to accept the honour of a position in this House. I made no sacrifice and I would not have made any to secure that position. I told my constituents that if the position had been offered to me on condition that I should make room in the House of Commons for somebody else, I should have cried very loudly "no," and I added that although I considered the position of senator as being dignified and elevated, I thought that an honourable man could not accept it without its being offered in an honourable manner.

THE ADDRESS.

MOTION.

Hon Mr. POWER moved :

That the following Address be presented to His Excellency the Governor General, to offer the humble thanks of this House to His Excellency for the gracious Speech which he has been pleased to make to both Houses of Parliament; namely :—

To His Excellency the Right Honourable Sir John Campbell Hamilton-Gordon, Earl of Aberdeen; Viscount Formartine, Baron Haddo, Methlic, Tarves and Kellie, in the Peerage of Scotland; Viscount Gordon of Aberdeen, County of Aberdeen, in the Peerage of the United Kingdom; Baronet of Nova Scotia; Governor General of Canada.

MAY IT PLEASE YOUR EXCELLENCY ;—

We, Her Majesty's most dutiful and loyal subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

He said : I can hardly plead that I am unaccustomed to public speaking, or unaccustomed to speaking in the Senate, but at the same time I feel considerably embarrassed in rising to-day. I am speaking in an unaccustomed place. I have for the last seventeen sessions been speaking on the other side of the House, and trying to find fault (not unreasonably, I hope) with the speeches made by previous governments and placed in the hands of His Excellency the Governor General. At the same time, although I have changed my place, I find that I am still in a minority. There is that difference between the change of government as it affects the Senate and as it affects the House of Commons. Although I might prefer that, as in the other chamber, my friends were in a majority here, still, as a member of this House, I feel a sort of compensating satisfaction in being able to look around me, and see the old familiar faces that I have seen in the past. I regret to see that the hon. gentleman from Monck, who was directly in front of me, has got to one side so that I cannot conveniently see him, but I notice the smiling face of the leader of the Opposition just in the same relative position that it was in last year when he sat on this side of the House. I shall take up the Speech from the Throne,

and deal with it as briefly as practicable. The first paragraph of the Speech says:

> The necessity of making provision for the public service has compelled me to summon you together at this somewhat inconvenient season.

I may say that while the season is not the most convenient, it is a more convenient season than the one indicated by the original proclamation which summoned Parliament to meet on the 16th July. We should have suffered a good deal more from heat and other discomforts if we had met at that time than we are likely to suffer now. The weather is getting cool, and Ottawa is a much pleasanter place to live in, and the temperature in the building is much more agreeable to work in. This paragraph tells us that we are summoned on account of the necessity of making provision for the public service. The question naturally suggests itself "why was not provision made for the public service before?"

Hon. GENTLEMEN—Hear, hear.

Hon. Mr. POWER—I thought I should find a number of hon. gentlemen prepared to ask that question and to sympathize with me. Well, hon. gentlemen, the reasons are plain enough to be seen. In the first place, during last session the time of parliament which would under ordinary circumstances have been occupied in dealing with the estimates and making provision for the public service, was devoted to the consideration of the Remedial Bill. The late government introduced that measure, and the discussion upon it continued up to about, I think, a week before the death of the last parliament, and consequently there was no time to consider the estimates. That is one reason. Another reason why there has been no opportunity to consider the estimates before the 1st July, is that the late government, when they dissolved parliament, postponed the elections to a late date. The government might have had the elections earlier, and parliament might have been summoned for some time in the month of June, so that the estimates for the present year might have been considered and disposed of. That is an additional reason why we are called here now; and, as hon. gentlemen know, as a matter of fact, the late government resigned office at such a date that it was practically impossible that parliament should meet and deal with the estimates. The late government resigned somewhere about the 8th or 9th July, and if Parliament had met, as the original proclamation provided, on the 16th July, it would have been necessary that parliament should adjourn in order to enable the new ministers to go to their elections, and we should not have got back here very much earlier than we have actually come. So that the reasons, whether they are satisfactory or not, are substantial reasons why parliament has not up to the present time made provision for the public service. Then, hon. gentlemen, I dare say there are some of you who think that there is another reason, and I know it has been stated in the press and by the speakers of the Conservative party, that there was something quite abandoned and unparliamentary and reckless in the conduct of the Liberal members in parliament, because they did not vote the estimates *en bloc* at the close of last session. It is worth while, on a question of such importance, citing two or three authorities upon that point. The true constitutional parliamentary doctrine is that when a dissolution is about taking place, Parliament does not vote supplies for the whole year. The practice in England, and the true constitutional practice, is that parliament shall vote supplies sufficient to carry the country over the time of the general elections and not supplies for the whole year. On that point I may refer to one or two authorities. If hon. gentlemen will refer to Todd's Parliamentary Government in the Colonies, page 788, they will find the doctrine laid down there. I do not quote from that, but I quote from the first volume of his Parliamentary Government in England, because Todd lays down the same doctrine in the two works. I quote from page 758 of the first volume of Todd's Parliamentary Government in England:

> When parliament is about to be dissolved upon a ministerial crisis, it is obviously improper to call upon the House of Commons to vote either the full amount or all the details of the proposed estimates and so commit the country to the financial policy of ministers whose fate is about to be determined by a general election. The duty of finally deciding on these estimates should be reserved for the new House of Commons. Meanwhile, the supply of credit should be restricted to such an amount as may be absolutely required for the public service until the reassembling of parliament, and the vote on account should not be regarded as in any degree pledging the House to an approval of the entire estimates.

I also quote from the second volume, at page 504 :

It is customary when parliament is about to be dissolved, whether upon the occurrence of a ministerial crisis or for any other reason, to restrict the grant of supplies to an amount sufficient to defray the indispensable requirements of the public service until the new parliament can be assembled.

And Mr. Todd cites there a debate in the English House of Commons in the session of 1868, where the question was discussed and the principle recognized, that the proper course is to vote only sufficient supplies to carry the country over the general election. The same doctrine will be found at page 520 of the Tenth Edition of May's Parliamentary Practice. Now, hon. gentlemen, I think that in the present case it was the more important that parliament should not vote the supplies for the whole year, and that the new parliament should be summoned to deal with the estimates, because the government which appealed to the country on the 23rd June last, was not the government which had appealed to the electors for their support and had received that support in 1891. It might be contended that the government led by Sir John Abbott and the government led by Sir John Thompson and the government led by the hon. gentleman who now leads the Opposition in this House, if not the identical government in which the electors had reposed their confidence in 1891, was at least the legitimate and regular successor of that government ; but a crisis took place in the course of last session, as hon. gentlemen well remember, and a new government was constituted just after the close of the session, and that new government was in no sense identical with the ministry which had governed this country for so many years. On the contrary, we found that at least three members of that government who had been the most faithful followers of the previous First Minister, the hon. gentleman who leads the Opposition in this House, were excluded from the new government. It was a new government and a new policy. The leader was old, but he was, in another sense new, and consequently there was the more reason why this government, which had never had the confidence of the country, should not be allowed to dispose of the vast sums of money which are dealt with by the annual estimates of Canada. I think, hon. gentlemen, there are perfectly good and valid reasons why we are called together here now. There is another matter which naturally suggests itself in dealing with this particular paragraph of the speech. The new government coming in, found that they could not, with any regard to the convenience of parliament or the country, pass the estimates immediately, and then there were large numbers of public servants whose wages and salaries had to be paid ; and it may be truly said that the business of many places, and more particularly the business of the city of Ottawa, depended very largely upon the prompt and regular payment of wages and salaries to the government employés. What course was the government to take ? Was the government to allow these employés to remain unpaid, or was it to take some steps to pay them ? I think the government took a perfectly proper course. They obtained from the Governor General his warrant to pay the regular employés of the government at Ottawa and throughout the country. I think their conduct was perfectly proper and warranted. On this point of the Governor General's warrant, I do not wish to detain the House, but I propose to refer to the law on the subject, which is to be found in the Revised Statutes of Canada, chap. 29, sec. 32. I just quote from Bourinot at page 579 :

Special warrants may issue, when parliament is not in session and any expenditure not foreseen or provided for by parliament is urgently and immediately required for the public good ; and a statement of all such warrants is laid before the House not later than the third day of the next session.

Now, hon. gentlemen, these expenditures were not provided for by parliament and they were urgently and immediately required for the public good.

Hon. Sir MACKENZIE BOWELL—What is the statute ?

Hon. Mr. POWER—It is chapter 29 of the Revised Statute, section 32. The object of that section was to enable the government to make provision for unexpected cases. The statute says that "if a public work is in absolute need of repair, &c." These Governor General's warrants have been used in the past for all sorts of purposes. They have been used by the Conservative party for the purpose of paying for new works, of doing things which have not

been authorized by parliament at all, and large sums have been expended for purposes as to which parliament had never pronounced an opinion. The present case is different altogether. The money has been spent solely for the purpose of paying the public servants. That is a duty which had to be performed. There was no question but that those servants had to be paid, and the fact that the money was not there to pay them was a totally unforeseen and unprovided for circumstance. There is this circumstance which may be added. I do not profess to be very much of a lawyer, but the hon. Minister of Justice is in front of me and will be able to decide whether or not my law is sound. My impression is this, that in the great majority of cases these public servants were in a position to bring suits for their salaries or wages, as the case may be, if not paid.

Hon. Mr. FERGUSON, P. E. I.—Hear, hear.

Hon. Mr. POWER—The hon. gentleman says "hear, hear." Does he think that the government should have waited until those public servants brought suit before paying them? The common sense of every hon. member of this House and the common sense of the country most emphatically approve of the conduct of the government in having issued those warrants for the purpose for which they were issued. If hon. gentlemen wish to learn something of warrants issued for other purposes—for purposes which were not justifiable at all, then let them read the debates which took place in the other House in the sessions of 1887 and 1891. They will find that millions of dollars were spent, the expenditure of large portions of which had never been authorized by parliament at all, and those large sums were spent on the eve of elections and spent in such a way as to leave the almost positive inference that they were used for the purpose of influencing the elections. That is the kind of Governor General's warrant which was objected to, and that is the kind of Governor General's warrant which was issued under the late administration. Why, the hon. gentlemen issued several warrants between the time parliament was prorogued in April last and the 23rd of June. The next paragraph of the speech is :

Under these circumstances and in view of the fact that you will be required to re-assemble early in the ensuing year, it does not appear expedient to invite your attention to any measures beyond the passage of supplies.

I think, again, any hon. gentleman who simply exercised his common sense, and the average wayfaring man outside of parliament, would say that paragraph was a matter of course. The government have hardly got comfortably seated in their places, and it is unreasonable to expect that they should have measures prepared for the consideration of parliament. It is a very remarkable circumstance, that gentlemen who have sat, not only in parliament, but in governments, seem to think that the new government should have come down this session with a long programme of important measures to be submitted to parliament, and above all, that they should have brought in a complete measure of tariff —I should say reform, perhaps hon. gentlemen on the other side will call it something else—but that they should have brought in a completely new tariff, and that they should have produced, almost as if by magic, a complete, final and satisfactory adjustment of the Manitoba school question. One can hardly believe that these gentlemen are serious in the attitude that they assume. Some newspapers, I see, take somewhat the same ground. The late government undertook to reform their tariff, and did they do it in the space of a month? Not at all. The then Minister of Finance announced in the session of 1893, in a semi-official way, that the tariff was to be revised and the mouldering branches lopped off. The matter was placed in the hands of the Minister of Finance, the Minister of Trade and Commerce and the two Controllers. These gentlemen acted in a very proper way, and went about the country collecting information as to the manner in which the tariff was to be reformed. It took at least a year before the late government got to the first step, of introducing a measure. The hon. gentleman, I suppose, could hardly help smiling when he found, after all that preliminary work, after all that painstaking and valuable work in which he took so important a part himself, when the session of 1894 was over, that the tariff was not reformed at all. It was practically the same old tariff, a little worse in some places and a little better in others. The statistics gathered since then show that, as far as it was a burden on the consumers of the country,

it was the same old tariff. Now they expect the new government, who wish to make a new tariff altogether that will be somewhat different from the old tariff, will have it ready in a month and a half. Of course, they are not serious in saying so, but they wish to make the government appear in an unfavourable light. I am quite sure the leader of the Opposition would not seriously say anything of the kind. The same way with the Manitoba school question. The late government had that question in their hands for six years and they did not settle it. I do not think it is necessary to say more than that they did not settle it; and now they expect it to be settled within six weeks after the new government is in office. The next paragraph of the speech says :

> The operation of the tariff will be made the subject of careful inquiry during the recess, with a view to the preparation of such a measure as may, without doing injustice to any interest, materially lighten the burdens of the people.

It is satisfactory to know that the government propose to introduce such a measure at the next session of parliament. There is no doubt but that the popular sentiment of this country is in favour of the lessening of the burdens imposed on the people by the tariff; and I may add, although the speech does not say anything about that, what I think is almost as important, there is a very strong feeling throughout the country, particularly amongst business men, in favour of a simplification of the tariff. It is not merely reduction, but simplification. If there is a thorough going protectionist in Parliament, it is the hon. leader of the Opposition in this House; and I think probably the hon. gentleman may challenge the statement which I have made; but I can produce authority—I am not quite sure whether the hon. gentleman will recognize it or not, but most Conservatives will recognize it as good authority, that is, the authority of the hon. gentleman who until lately was Minister of Finance. I turn to the Budget Speech delivered by that hon. gentleman in 1894; and I refer to it for the purpose of showing that the general sentiment of the country is in favour of a reduction of the duties imposed by the present tariff. Those duties, as the statistics show, averaged a little more than the duties imposed by the tariff which existed just before 1894. I have not the volume of Hansard and I cannot refer the hon. gentleman to the page in Hansard, but I have the official pamphlet containing the Budget Speech of the Hon. Geo. Foster, D.C.L., M.P., Minister of Finance, delivered on the 27th March, 1894, in the House of Commons. At page 11 I find the following :

> If there is to be a protective system at all, everybody knows that it must be higher in its inception than as the years gradually pass, when industries have become established, and when the industrial development of the country grows apace. If a high degree of protection is necessary at any time, it is necessary in the initial years of a policy which adopts the principle of protection as its basis.

And then he goes on to show that that stage is passed. I now propose to quote a few lines from page 18 of the same pamphlet. This is the principal quotation—it lays down the whole doctrine :

> Now, sir, there have been many changes since 1878. Since the inception of the National Policy, fourteen years have gone by. Changes have taken place in the business conditions of this country itself, changes in the value of raw material and of manufactured products, changes which, so far as the ad valorem equivalents of duties are concerned, have made a very great difference as to the nature and rates of imposts between those times and the present day. The industries of this country have, many of them, well established themselves. The amount of protection which they needed before, they do not need to so great a degree to-day ; and for some years an opinion has been gaining ground among the people that the time for a revision has come, an opinion which was recognized by the government when they said to parliament last year that the time had come for a complete re-examination of the whole matter of our tariff arrangements, in order that the anomalies existing might be done away with, and that the tariff might be brought level with the existing circumstances and changed conditions of business, not only in Canada, but in foreign countries, at the present day. Those changes have taken place, and those changes have been recognized.

I do not think the hon. gentleman can raise any question as to my authority for thinking that the tariff needs change. I shall read just one more very short extract, where the Minister of Finance having meanwhile dined and come back fortified, after having weighed I presume what he had said before dinner, says :

> When the House rose at six o'clock I was saying that in the tariff revision it has been the aim of the government, while seeing that industries are reasonably protected in this country, to also see that the rights of the consumers are carefully looked after, and that all classes and all conditions of the people shall have fair consideration in the arrangement of the tariff.

Before this speech was delivered, that perambulation, to which I have referred, all over the country had taken place; and I must say that I think that the line of conduct adopted by the gentlemen who conducted it was a very proper and becoming one. They went through the different provinces of the country, through the trade centres and some of the smaller places. They put themselves into communication with the importers, manufacturers, retail dealers and, in fact, with almost all classes. Naturally the farming community and the body of consumers generally did not present themselves in as large numbers in proportion to the share which they formed of the population as the others did, but that was only to be expected. Any one who had anything to say with respect to the operation of the tariff in the different places which these hon. gentlemen visited, had an opportunity to say it: every one was courteously received, and I presume that what he said received consideration afterwards; and you can see, from the tone of the speech of the Minister of Finance, that it was the intention of the government to act, to a reasonable extent at any rate, upon the information which they had acquired during that tour—I do not use the term in any disrespectful manner. The echoes of the tour are to be found in the speech from which I have quoted; but unfortunately, after this speech was made by the then Minister of Finance, something—I do not know whether he was afflicted with many moments of weakness or not—occurred, and in some way or other the good intentions of the government were thwarted. The two ministers, the Minister of Finance and the Minister of Trade and Commerce, and the two controllers had gone around and given audience to all classes and after that speech had been delivered by the Minister of Finance one class, the class especially benefited by high duties, seemed to have brought pressure on the Finance Minister and his colleagues, and the result was that the good intentions of the government were, as I have said, thwarted and that the new tariff was really no better than the old. It was just about as onerous to importers as the old tariff, which they had set out to reform, had been. At the same time the reports, which I presume were prepared, of interviews held by the ministers and controllers with the representatives of different classes of the community in the places which they visited have been preserved and will be useful in any inquiry which the present government may think it desirable to make.

Hon. Sir MACKENZIE BOWELL—That is if they are in the possession of the government party. They were stolen from me.

Hon. Mr. POWER—I was under the impression that those interviews had been largely printed in the press, and this is the first intimation I have had that they are not among the Government records. I am very sorry indeed to hear that they are not, and I trust that copies of them have been preserved. While I did not think altogether too badly of the old ministry, and I do not look upon the new ministry as angels—they are ministers of light but not angels altogether—I feel confident that, after the Minister of Finance at the next session has announced the alterations which he proposes to make in the tariff, there will be no danger whatever that any protected interests will be able to deflect the minister from the path which he has entered upon. Of course, we cannot know what the exact nature of the measure will be, but I think we can judge fairly well from two or three sources what the general character of the changes will be. In the first place, there is the platform of the Liberal party, which was solemnly adopted at a convention held here in the month of June, 1893, presided over by the honourable gentleman who now leads this House, and there the tariff plank was laid down in fairly clear and unmistakable language. The general principles upon which tariff reform was to proceed were laid down; in short, it is practically to substitute a revenue tariff for a protective tariff; and now, honourable gentlemen, speaking of that, I am not going to quote the platform, but the description of a revenue tariff by the ex-Minister of Finance, which is on the whole, satisfactory. In the speech which I have already quoted, he says:

> Another system is to have a revenue tariff which selects a list of articles and places rates of impost upon those articles, chiefly with a view to the quickest, easiest and best method of raising the amount which is necessary, but also with the necessary sequence of incidental protection whenever this selected list includes those things which are produced or can be produced in the country it-

self, a protection which is incidental, but which, in a purely revenue tariff, is never designed.

That is what a revenue tariff is; and I gather that that is the tariff which will be the ultimate goal of the government of the present day; but, hon. gentlemen, that goal cannot be reached immediately. The members of the Liberal government are not revolutionists. They are, as a rule, speaking in a non-political sense, conservative and men of conservative habits of thought; and the Liberals of this country are as much interested in the manufacturing interests of the country as their Conservative friends, or very nearly so, and it is not likely that they would adopt any policy which would deal unfairly with the interests which derived benefit from the present tariff. If there is to be a tariff reduction, I presume it will be moderate and gradual, and that the protected interests will receive due notice of the changes. We are not left to speculate on that point, hon. gentlemen, because the leader of the government has on various public occasions declared himself to that effect, and the hon. gentleman who now leads this House laid down, in his letter of the 2nd May to Mr. Laurier, published in the Toronto *Globe*, of the 4th May, the policy which the party proposed to follow. He declared distinctly that it is not to be a revolutionary policy and that as this paragraph in the speech says: the changes are to be made and the burdens of the people are to be lightened, doing as little injury as possible to existing interests. Now, I have already said something, hon. gentlemen, about the fact that the Conservative press and speakers appear to be in an undue hurry for this new tariff. Tariff reconstruction is a very difficult and important task, and it is better that it should be considered carefully and deliberately, so that the tariff when adopted may be lasting, than that something should be done in a hurry to be undone in a very little while. I know it is slightly irregular to refer to debates which have taken place in the other chamber, but I happened to be present during a portion of the speech made in that chamber by the hon. leader of the Opposition, and to my astonishment I heard that gentleman say that free trade was a bad thing, that a revenue tariff was a bad thing, but that the terrible uncertainty in which the people of this country were now living was worse than either free trade or a revenue tariff. Perhaps the hon. gentleman thinks that that is the case and that there is a panic throughout the country, but the only panic which exists is in the minds of the hon. gentlemen who have had to cross from one side of the House to the other. I do not think they have discovered any panic in the minds of the business people of the country. They are sensible men and know that there will be no revolutionary change, and that the government can be trusted not to do anything injurious to the interests of the country. I know there is panic in the minds of hon. gentlemen who have had to pass from the government side of the House to the opposition side. It is cooler there, perhaps, and that is one advantage just now, and it is freer in a sense. I can speak from a long experience, that it is freer and easier for members speaking in that part of the House.

Hon. Sir MACKENZIE BOWELL—You have just come to that conclusion?

Hon. Mr. POWER—Oh, I came to that conclusion long ago. The fourth paragraph of the address states:

> Immediate steps will be taken to effect a settlement of the Manitoba school question, and I have every confidence that, when parliament next assembles, this important controversy will have been adjusted satisfactorily.

Every lover of Canada will be glad to know that immediate steps will be taken to effect a settlement of the Manitoba school question. That question has for years, particularly during the last few months, been the occasion of a great deal of bitterness and ill-feeling amongst different sections of our population, amongst whom there ought, by rights, to be good-will and harmony. I am not in the secrets of the government myself; but this does not seem to me to be an empty promise, because already there has been a meeting between members of the Cabinet of Canada and members of the Cabinet of Manitoba. A friendly conference has taken place, and there is, at any rate, reason to hope that some general basis of a settlement has been arrived at; and if this course had been adopted several years ago, I believe that this question never would have become what it did become—the basis of partisan warfare. That the school question, the question of the violation of the

rights of the minority in Manitoba has been used as the basis of a party war cry, I think has been illustrated during the last few days in a very clear and emphatic way. We have had the representatives of the party which went to the country, using as their principal cry "Justice to the oppressed Catholic French minority of Manitoba"—we have had the people who represented that same party during the two by-elections which have recently taken place, adopting a totally different line, and instead of advocating the rights of the French Catholics of Manitoba, condemning French domination and condemning the coercion of the English speaking people of Manitoba. That, I think, illustrates the fact and is satisfactory evidence to any reasonable man, that although there may have been many gentlemen who were sincere, still a great many prominent members of the party now in opposition were not sincere; they were actuated, not by any special affection for the oppressed Metis, but were actuated by a strong desire to see their party returned again to power. I might say something more, hon. gentlemen, but I do not propose to detain the House many moments longer. It has been usual in speeches from the Throne, that the concluding sentences should commend to the wisdom of parliament, the measures which are referred to in the speech. I suppose it is because there is really no measure referred to in the speech—that is, no measure requiring very much discussion or controversy—that we do not find that expression in the present speech; but there is one thing which I think I may say to His Excellency, through his advisers here, with respect to the attitude of the Senate: We all know that the Senate is occasionally maligned, and when the question of abolishing or reforming the Senate has been considered, one of the reasons given why either total abolition or a radical change was necessary, was that if a Liberal government came into power they would be completely thwarted and their hands tied by the opposition in the Senate. It has been assumed that the majority in the Senate would defeat measures coming up from the other chamber, simply because they were measures proposed by a Liberal Government. Now I think, hon. gentlemen, that on behalf of my colleagues in the Senate I can assure the government that their fears, if they share such fears, are unfounded. In the first place, the members of this House as a rule are pretty reasonable men, and they know the position in which the government are placed, that they are supported by only a very small minority in this House, and they know the government business has to be got through, and they will not, I believe, offer any factious or unreasonable opposition to the measures of the government. When the Liberal party were in power in Canada from 1874 to 1878, the Conservative majority in this House, made themselves very active on committees and I think perhaps made themselves unduly active with respect to certain matters which in the light of subsequent events appear very small—the Neebing Hotel for instance and other things of that sort. There was a great deal of noise made about those little things, and we have kept very quiet since when things a thousand times worse have been done than anything that was done in connection with the Neebing Hotel or the Fort Frances Lock. Still the Senate did not give what could be described as a factious opposition to the legislation of the administration of Mr. Mackenzie. There were, I think, only two measures of that government defeated in this Chamber and in one instance at any rate, the defeat was due partly to the fact that one or two senators who habitually supported that government voted against the measure. I speak of the Esquimalt and Nanaimo Railway Bill. I have sufficient confidence in the majority of this House to believe that they will deal with the present government very much as they did with the Mackenzie administration. I hope so, for the credit of the House, and for the interests of the country. Of course, it cannot be expected that this House will treat a Conservative government and a Liberal government in the same way. A man naturally leans towards his own friends, and this House has agreed to measures coming from the Conservative government which it never would have accepted from a Liberal government; but I believe that His Excellency can be assured that good measures, coming from the government, will be passed by this House; and I think I can assure this House that the government will introduce none but good measures, so there is not likely to be any conflict between the government and this House. I may call the attention of hon. gentlemen to the fact that the language of this address is different from what we have usually adopted

in the past. The old practice was to make the address an echo of the speech, to have a paragraph in the address corresponding with each paragraph in the speech. I may say to such hon. gentlemen as have not made themselves familiar with the facts, that this practice of having a short address of one paragraph was introduced in the Imperial Parliament in 1890, by the Conservative Administration and in the House of Lords, Lord Granville who then acted as the leader of the Opposition, said he approved of it, as it was quite as respectful to Her Majesty as the previous practice and much more business-like. I have the honour to move the address.

Hon. M. BECHARD—Depuis dix-huit ans la voix d'aucun sénateur ne s'est fait entendre dans cette enceinte, pour y proposer l'adoption de l'adresse en réponse au discours de Son Excellence, sous la responsabilité d'un gouvernement libéral.

Aussi ce doit être un spectacle tout nouveau et par cela même plein d'intérêt, du moins pour un certain nombre des honorables messieurs qui siègent dans cette Chambre, de voir cette tâche remplie en ce moment, par deux des membres de la petite phalange sénatoriale qui fait partie de l'armée libérale. Mais on n'oublie pas sans doute, que pendant ce long espace de temps, le pouvoir a été constamment exercé par le parti conservateur.

Au mois de novembre prochain, vingt-neuf années auront passé, depuis la première réunion du parlement de la Confédération, et pendant cette longue suite d'années le parti conservateur a administré les affaires publiques à l'exception de la courte période de cinq années qui se sont écoulées depuis l'automne 1873 jusqu'à celui de 1878, et durant laquelle nous avons eu le gouvernement libéral de feu Alexander Mackenzie, cet honnête homme, ce grand citoyen à la mémoire duquel je me fais un devoir de rendre hommage dans cette occasion.

Le parti conservateur a exercé le pouvoir pendant si longtemps, il a eu pendant si longtemps la direction des affaires publiques qu'aujourd'hui dans toutes les branches du service civil l'on ne rencontre, à peu d'exception près, que de ses partisans, de ses créatures, et que même dans cette Chambre, on ne trouve plus qu'un fort petit nombre de sénateurs appartenant à la croyance libérale.

Assurément la force respective des partis est loin de correspondre dans cette Chambre à ce qu'elle est dans l'autre branche du parlement et dans le pays à l'heure actuelle. Je suis un homme de parti, je crois que partout où le système de gouvernement représentatif est en vigueur l'existence de partis politiques est essentielle au bon fonctionnement de la machine gouvernementale. Toutefois, j'admets sans peine qu'il n'est pas de nécessité absolue, que le parti au pouvoir compte constamment une majorité de partisans dans une Chambre comme le Sénat où la vivacité du jeune âge, le feu de la passion politique sont plus qu'à demi éteints sous les glaces de l'âge mûr et où, par conséquent, l'esprit de parti ne saurait prédominer au point d'y faire oublier le sentiment du juste et d'y entraver le progrès des affaires parlementaires. Mais je suis persuadé que l'importance et le prestige du Sénat grandiraient dans l'opinion publique si la force respective des partis pouvait y être maintenue dans des proportions mieux équilibrées qu'aujourd'hui.

Je suis un homme de parti, cependant, je conçois que ma tâche dans la présente occasion ne consiste pas précisément à prodiguer l'encens outre mesure au gouvernement qui arrive, ni à fulminer l'anathème contre celui qui s'en va. Je le répète, je suis un homme de parti, mais je ne suis pas disposé à subir l'empire de l'esprit de parti au point d'oublier volontairement tout sentiment de justice et de méconnaître que si d'une part le parti conservateur a commis de grandes fautes, il a d'autre part accompli de grandes choses.

Au reste, le peuple l'a reconnu en renouvelant à différentes reprises et pendant bien longtemps l'expression de sa confiance dans les chefs de ce grand parti. Un poète a dit en parlant du peuple :

> Je sais quel est le peuple, on le change en un jour.
> Il prodigue aisément sa haine ou son amour.

Cependant, il a fallu beaucoup plus d'un jour pour changer le peuple du Canada, mais après une très longue suite de jours il est enfin venu un moment où le peuple semble avoir acquis la conviction qu'il est contraire à ses intérêts que le même parti politique détienne le pouvoir pendant un temps illimité ; et le 23 juin dernier Sa Majesté le peuple, a rendu un décret qui a dû rappeler à bien des gens qu'il est toujours bon de compter un peu avec l'instabilité des choses humaines. Le 23 juin le peuple qui avait pendant si longtemps accordé sa con-

fiance au parti conservateur a changé son allégeance et a confié le soin de ses destinées aux mains du parti libéral qui s'était présenté devant l'électorat avec un programme bien défini et était guidé par un homme entouré d'un prestige immense et dont le nom est déjà devenu illustre non seulement en Canada mais encore de l'autre côté de la frontière, dans toute l'Amérique du Nord et même au delà de l'océan. Certes, j'ai horreur de la flatterie et Dieu me garde de prononcer une seule parole qui pourrait me faire paraître ici dans l'attitude du courtisan, mais je crois sincèrement ne commettre aucune exagération en exprimant l'opinion qu'avant longtemps le premier ministre actuel l'honorable Wilfrid Laurier sera regardé comme le Gladstone du Canada.

Dans la formation de son cabinet il a été particulièrement heureux. Tous ses collègues, personne n'en doute, sont des hommes de mérite, mais il est un certain nombre d'entr'eux qui inspirent une confiance toute particulière parce que, ayant été premiers ministres dans leurs provinces respectives, ils ont donné des preuves de leur aptitude à gouverner et de leur habileté dans l'administration de la chose publique.

Faisant allusion au plus illustre d'entre eux, je crois être l'interprète du sentiment général de cette Chambre en disant que tous ses membres ont vu avec bonheur l'entrée au Sénat de l'honorable ministre de la Justice, (l'Hon. Sir O. Mowat) dont la présence ici est une si précieuse acquisition pour cette Chambre. Ce noble vétéran politique, après avoir gouverné sa province comme premier ministre pendant vingt-deux ans, a cru apparemment qu'il ne pouvait mieux terminer sa glorieuse carrière qu'en compagnie des honorables membres de cette Chambre.

J'ajoute sans hésitation, que tous ses collègues dans le Sénat ont vu avec plaisir l'honorable secrétaire d'Etat (l'Hon. R. W. Scott) reprendre dans le gouvernement actuel la position qu'il avait occupée dans celui de M. Mackenzie. Cette haute distinction était assurément bien due aux longs et imminents services qu'il a rendus comme chef du parti libéral dans cette Chambre.

La composition du cabinet inspire tant de confiance dans certains quartiers, que déjà l'on s'est plu à l'appeler le " grand ministère." J'ose espérer que ce ne sera pas vainement ni prématurément qu'on l'aura ainsi nommé. Cependant, il ne faut pas oublier que du grand ministère le peuple attend de grandes choses et que ce titre ne saurait lui être conservé qu'à la condition de donner grande satisfaction à l'attente publique.

Il n'y a rien dans le discours d'ouverture qui indique que le gouvernement soit prêt durant la présente session à faire connaître la conduite générale qu'il entend donner aux affaires. Le parlement a été convoqué simplement pour voter les subsides qui n'ont pu être votés pendant la dernière session. Cependant, le gouvernement signale à l'attention publique deux mesures dont il doit s'occuper immédiatement d'une façon particulière. Il annonce qu'il devra s'occuper pendant la vacance d'une étude sérieuse de la manière dont opère le tarif actuel et que à la prochaine session il sera en mesure de soumettre au parlement les changements qu'il croira être requis par les besoins actuels de la population. Personne ne saurait prévoir aujourd'hui quels pourront être ces changements, mais comme tout annonce, de réforme dans le tarif, tend à créer de l'inquiétude, le gouvernement prend la précaution de rassurer ceux qui pourraient s'alarmer, en déclarant que les changements qui pourraient être faits au tarif ne nuiront à aucun intérêt.

Il n'y a pas de doute, au reste, qu'avec les obligations qui pèsent actuellement sur le pays, et auquel le gouvernement sera tenu de faire face, il lui faudra pendant bien des années encore, prélever un fort revenu annuel, et que la réalisation d'un pareil revenu nécessitera le maintien d'un tarif assez élevé.

Le gouvernement, il est vrai, déclare que son but est d'alléger le fardeau qui pèse sur la population. On pourrait peut-être conjecturer de là, que son intention est de diminuer le poids des taxes qui pèsent sur les produits de consommation quotidienne et qui servent à l'alimentation du travailleur, qu'il soit pêcheur, artisan, ou cultivateur. Mais je ne peux pas et je ne dois pas entrer dans le développement d'un projet de réforme qui n'est pas encore élaboré et qui par conséquent n'est pas formellement soumis au parlement.

Une nouvelle qui a dû être accueillie avec un bien grand plaisir par tout le pays, c'est celle qui annonce la confiance exprimée par le gouvernement que d'ici à la prochaine session, l'importante question des écoles du Manitoba sera réglée d'une manière satisfaisante. Assurément, aucune information ne pouvait causer une plus vive satisfaction à la population d'un bout du pays à l'autre, parce que tout le monde, tous les vrais amis leur pays désirent ardemment le règlement

de cette question qui a créé depuis quelques années, une agitation d'un caractère dangereux, qui a donné lieu à de violentes controverses dans la presse et sur les *hustings*, et qui a fait le sujet de débats mémorables pendant la dernière session du parlement. Tout le monde connaît l'opinion du premier ministre au sujet de cette question. On sait que tout en admettant le droit constitutionnel du parlement d'intervenir pour la protection des droits de la minorité, il a toujours conseillé la conciliation, le recours aux moyens conciliateurs comme offrant la voie qui conduirait le plus sûrement à une solution satisfaisante de la difficulté et comme offrant plus de garanties pour l'avenir. Si dans les dernières élections générales la question des écoles du Manitoba a compté pour quelque chose parmi les raisons qui ont déterminé le peuple à confier l'administration des affaires publiques au parti libéral, il ne peut être téméraire de croire qu'il approuve la manière de voir du premier ministre à cet égard. D'après ce qu'il en est dit dans le discours d'ouverture, on est induit à croire que la question devra être réglée par un arrangement à l'amiable entre les parties intéressées. Pour ma part, je considère que c'est la meilleure manière de régler cette importante question. J'aime à croire et j'ai la confiance que le règlement qui aura lieu sera tellement satisfaisant pour toutes les parties intéressées, qu'il ne laissera exister aucune cause d'animosité entre la majorité et la minorité dans la province du Manitoba. Je regarde le règlement d'une pareille question par un arrangement à l'amiable, comme un fait glorieux pour notre pays. Un pareil événement prouverait au monde qu'en Canada, bien que la population y soit partagée en deux groupes principaux, appartenant à deux origines différentes, parlant deux langues différentes, professant des croyances religieuses différentes, les institutions politiques y sont douées d'un tel caractère de libéralité, que chaque nationalité, et chaque croyance trouve sous leur protection, la pleine et entière jouissance de ses droits.

Si le gouvernement réussit à régler cette question d'une manière satisfaisante, il aura fait faire un pas à la cause de l'immigration, car il n'y a pas de doute que bon nombre de personnes ont dû être détournées de leur intention d'aller s'établir sur les prairies de l'ouest par le spectacle des difficultés scolaires qui ont existé dans cette partie du pays depuis quelques années. Mais quand on aura convaincu tout le monde que désormais dans l'oust comme dans l'est, le père de famille peut, sous la protection de la loi, procurer à ses enfants une éducation en rapport avec les dictées de sa conscience, on aura fait disparaître un obstacle sérieux qui s'élevait sur la voie de l'immigration. Cependant, le gouvernement en s'occupant de la cause de l'immigration, devra aussi prendre en sa sérieuse considération celle de l'émigration. Un de ses plus impérieux devoirs sera de rechercher les moyens de faire disparaître le fléau de l'émigration de nos compatriotes vers la république voisine ; c'est là le cancer qui ronge les forces vitales de notre pays. Comme dans mon humble opinion la classe agricole est celle qui fournit l'élément le plus abondant à ce mal qui décime notre population, le gouvernement devra s'occuper des moyens de rétablir la prospérité de cette classe la plus importante dans notre pays. Dans un pays essentiellement agricole comme le Canada la prospérité générale dépend de la prospérité de l'agriculture. Quand les intérêts des cultivateurs sont dans un état de langueur et de malaise, cette langueur et ce malaise ont bientôt atteint les intérêts des autres classes de notre population. Ainsi la prospérité agricole est donc la base principale de toute prospérité au Canada. C'est là une question d'une importance majeure et qui requiert une attention particulière de la part du gouvernement.

Permettez-moi, honorables messieurs, de vous citer en terminant quelques mots de Lamartine qui dans un moment de sublime éloquence parlait un jour de la grande importance de l'agriculture. "L'agriculteur, dit-il, occupe une place immense dans la civilisation. Il n'en est pas le sommet sans doute, mais il en est la base. Qui oserait dire laquelle des deux places est la première." Puis un peu plus loin, il continue : "La devise, le symbole d'un grand peuple, ce n'est pas une machine industrielle, un chiffon d'étoffe ou une pièce d'or, le symbole d'un grand peuple c'est une terre féconde, mère d'une population nombreuse, une épée pour la défendre, une charrue pour la labourer." Je seconde avec plaisir la motion de l'honorable sénateur de Halifax.

Hon. Sir MACKENZIE BOWELL—It has been usual in the past to congratulate the young members of the House of Commons, and also of the Senate, for the able manner with which they present the case on behalf

of the government, in moving and seconding the address in reply to the speech from the Throne. Whether the two hon. gentlemen, the one who has moved, and the one who has seconded the address, can come within that category I am somewhat at a loss to know. The mover is my senior by a great many years in this House. I had the honour of entering Parliament the same year as the seconder did, and consequently we may be classed about in the same category as to age and parliamentary experience. I frankly confess that I listened to the voice of my old House of Commons colleague with a very great deal of pleasure, although we have during the whole period that we have been in the political field of Canada been upon opposite sides—at least nearly always. I think, however, I may say, and say with very great truth, that upon one occasion at least, his whole mind and his better judgment led him to believe that the late government, of which I had the honour of being the head, was pursuing the correct course, but party exigencies overbalanced his better judgment and led him to cast a vote which, I am quite sure, he has regretted ever since. These are only my inferences, and possibly they may be ill-founded. However, it is just as well on occasions of this kind to say what we think. Before referring to the speech from the Throne I desire, Mr. Speaker—and I take this opportunity of doing it—to congratulate you upon having been selected by your party to occupy the Chair and on the honourable position which you now fill; although, when your name was first mentioned, I was somewhat inclined to think that a departure from the old practice of alternate English and French Speakers should not be departed from, upon reflection I have come to an altogether different conclusion. I have come to this conclusion, and I believe it to be the safest principle upon which to act, that the party in power, in making its selection for the important position of Speaker of either House of Parliament, should look to the qualification of the person who is to occupy that elevated position rather than to his race or creed. I hope the time is fast approaching in Canada when we shall never hear the question raised of a man's birth, or the creed that he professes. We live in a country and under a constitution in which every man has a right to act as his judgment dictates, or as his education leads him, upon matters of this very important character. I have lived long enough to come to the conclusion, that if a man believes in one particular principle, or one particular creed and thinks it is the best, it is not for me to interfere with his conscience, nor do I think any one else should interfere with his conscience, or with the course which he may think proper to pursue, so long as he does not attempt to interfere with others. I have lived long enough in Canada, I have been long enough connected with party politics to know that that is not always the case in this country, but I hope that the time will never come again when we shall have placards sent about the country to vote for "Morrison and the Pope" or for "Mowat and the Bible." Such were the issues we had when I was a much younger man than I am today. Those days have passed away, much as we may accuse each other at the present moment of introducing racial and creed questions in the discussions which have taken place in the elections which have just passed. I say that where that has been done, it were much better that it should be left undone, and that we should adopt a policy in the appointment to offices, and in the administration of the affairs of the country, irrespective of a man's race or a man's religion. We live in a country where we can, under the British Crown, enjoy all the rights and privileges of a British subject, and I hope that that may continue for a long time. I must apologize to the hon. seconder of the motion for my limited knowledge of his mother tongue. I understood him to say that he complimented the House on the accession to it of its present leader, who occupies the high and important position of Minister of Justice. I am fully in accord with him in that sentiment, and I hope that all the future appointments to the Senate may be of equally unexceptional character. If so, we shall have very little to complain of on this side of the House, among those who differ from him on political questions. I could not help having brought to my mind, when listening to the hon. gentleman from Halifax, the old story that I once read of a gentleman who having made a very good speech, and being complemented by a friend said: "Ah, you heard me make that speech; well, I wish you had heard me make the one on the other side." It struck me, if he had only been on this side of the House, and the Conservative government had presented an ad-

dress of the kind we are now considering, what an eloquent oratorical display we should have heard in condemnation. All his latent talent would have belched forth like the eruptions of a volcano.

Hon. Mr. POWER—I did not volcane.

Hon. Sir MACKENZIE BOWELL—No, you are not in a position to volcane, as you say. You, in fact, represent an extinct volcano, with all its lava expended. You have now to do what others do under similar circumstances; draw your teeth a little when you find them becoming irritable. Apart from that, I am sure the gentlemen on both sides of the House, no matter what their political views may be, will agree with the sentiments he uttered in reference to the functions of the Senate; that the Senate is not to be factious in its opposition, or in its treatment of government measures. The hon. gentleman might have referred to two or three occasions in which the Senate asserted its independence, not against the government of the late Hon. Alexander Mackenzie alone; but upon several occasions the House, with its great Conservative majority, rejected important bills that were sent up from the House of Commons, when Sir John Macdonald was leading the government of the country. You have the Short Line Railway Bill in which he took a very deep interest; you have also the consolidation, if my memory serves me, of the Statutes after Confederation. The Senate very properly said "you have sent us a mass of bills to simply accept without having any time at our disposal for their consideration," and consequently the Senate, lead then by a Conservative, I think the late Sir Alexander Campbell, rejected every one of those measures, and compelled the House of Commons at an early period of the session which immediately followed, to re-introduce the bills and send them to the Senate in sufficient time for proper consideration. There are other instances in which the Senate has asserted its independence, and I am quite sure that its composition to-day, though, as my hon. friend says, largely in opposition to the views of the present government, will not, upon any occasion, take a course which might be considered either factious or obstructive. Questions may come before us of a very objectionable character. If they are of such a character that we think they are not in the interests of the country, this House will no doubt reject them in the interests of the country and in accordance with their own conscience. I do not know that I should say anything about the inconvenient season for the meeting of parliament. The reasons given by the hon. mover of the address in reference to the season at which parliament has been called are, I think, unanswerable. I do not know that, under the circumstances, they could have called Parliament together at an earlier period. I have had some little experience of a new government coming into power, and the difficulties that present themselves in preparing to lay before the country all the measures with which they may have to deal, but I must be excused if I take exception to his argument with reference to the issuing of the Governor General's warrants. The hon. gentleman says, and says very truly, that the late government had, upon very many occasions, asked for the Governor General's warrant to the extent of millions, but in making that declaration he gave not a single instance in which these Governor General's warrants were asked for and issued and the money obtained, that was illegal or contrary to the law. That is the whole point. It may be a question of policy as to the expenditure of money, but it is a question of law as to whether a Governor General's warrant should be issued under peculiar circumstances. My hon. friend says he is not much of a lawyer. I am not a lawyer at all. I must take my law, as I have done in the past, from a Minister of Justice. I would like to hear the opinion of the present Minister of Justice on this question of the issuing of Governor General's warrants, and if I can read common, plain English, I cannot come to any other conclusion than that the issue of a Governor General's warrant, even to pay the civil service or any other debt, is directly and diametrically opposed to the provisions of the law which he has quoted. I will read it, not for the information certainly of the Minister of Justice, but in order that I may show the basis upon which I come to that conclusion. In the Consolidated Revenue and Audit Act, subsection (b) of sec. 32, we have the following:

If, when parliament is not in session, any accident happens to any public work or building which requires an immediate outlay for the repair thereof, or any other occasion arises when any expenditure not foreseen or provided for by parliament

is urgently and immediately required for the public good, then, upon the report of the Minister of Finance and Receiver General that there is no parliamentary provision, and of the Minister having charge of the service in question that the necessity is urgent, the Governor in Council may order a special warrant to be prepared, to be signed by the Governor General, for the issue of the amount estimated to be required, which shall be placed by the Minister of Finance and Receiver General to a special account, against which cheques may issue from time to time in the usual form as they are required.

Now, that is the only authority, as far as I know, upon which Governor General's warrants are issued. Was this a case designated in this subsection of the Act from which I have read? Was there anything unforeseen in connection with the payment of the civil servants? Did not the parliament of Canada know—does not everybody in the country know that the services of the country had to be carried on—that the money should be provided for the payment of the civil servants in different parts of the whole country; and was it not known also that under certain contracts that had been let and works that were in progress, the money would be required to meet that service? Does any one doubt that position? If so, then he must have a strange mode of arriving at conclusions. The parliament of Canada was in session prior to the 30th of June, the termination of the fiscal year. At that period every one knew that the appropriations would lapse unless they were carried forward in certain cases for public works, under the Audit Act, for a certain length of time. They knew when they refused to pass those estimates that parliament could not, by any possibility, meet to provide the estimates to carry on the ordinary affairs of this country, and the issue of the warrants under such circumstances I hesitate not to think, though not a lawyer, is absolutely illegal, and I would suggest, if the hon. gentlemen would take any advice from me, that they should introduce a bill to indemnify them for what they have done. I do not mean to say that the money should not have been provided for the carrying on of the services of the country, and more particularly under the circumstances: on the contrary, some means should have been devised, but the course pursued by the government of the day in asking the Governor General to sign a warrant which did not come within the meaning of the law, and which was contended by some good lawyers and by laymen who can read the English language, was directly and diametrically opposed to the law. The hon. gentleman referred to the action of the government—not the last government, but the government which preceded it, because the last session of parliament was held before the new government was formed—and he read from Todd to prove that the opposition had acted strictly in accordance with constitutional and parliamentary practice; at least, so I understood his argument.

Hon. Mr. POWER—I said that the constitutional practice was not to grant the supplies for the year. I did not deal with the conduct of the opposition, because I am not aware that the government at that time ever asked for supplies.

Hon. Sir MACKENZIE BOWELL—I am rather surprised to hear my hon. friend make that statement. We all know that he watches with peculiar interest every act of his opponents, and his remark, that he is not aware that the government of that day asked parliament to provide for the very contingency which the present government have had to meet by a violation of the law, is a matter of surprise to me. The Hon. Mr. Foster, the late Minister of Finance, not only made the proposition to the leader of the opposition, personally pointing out to him the difficulty which would arise if a partial appropriation was not voted by parliament, but he asked the opposition on the floor of the House of Commons, to vote a sufficient supply in order to carry on the business of this country until the elections could take place and parliament meet to provide the balance. Now, that is precisely what Todd says should be done in his memorandum upon this question. He is so clear and distinct that one cannot misunderstand the language. The government of that day consulted the constitutional authorities as to what their duty was, and the Finance Minister made the proposition to which I have referred to the leader of the then opposition of the House of Commons, and appealed over and over again to that House to cease their obstructive conduct in order that the estimates, or a portion of the estimates, might be passed by the Commons and by the Senate to enable them to carry on the affairs of the country. We all know what the conduct of the opposition was during that

period. We know further that for nearly a week before the parliament was terminated, the government of the day ceased to push the measure, before the House, of remedial legislation, in order to obtain a sufficient supply to carry on the business of the country until the elections were over and parliament met to provide for the balance of the year.

Hon. Sir OLIVER MOWAT—Where shall I find those proceedings?

Hon. Sir MACKENZIE BOWELL—You will find them in *Hansard.*

Hon. Sir OLIVER MOWAT—I thought perhaps you could give me a reference.

Hon. Sir MACKENZIE BOWELL—I cannot now give you a reference; but this I can say, being then at the head of the government, I know the instructions to the ministers. My hon. friend to my right (Mr. Ferguson) sent this note to the Hon. Foster in the House of Commons: "Did you make a proposition to Mr. Laurier on the floor of the Commons last session that supplies for a limited period should be voted, or was such proposition made personally to Mr. Laurier?" His answer is "both." That is, he made the proposition to Mr. Laurier personally, and made it on the floor of the House also, and I have a distinct recollection of the circumstances that took place, because it was an important matter. The difficulties arising out of want of supplies to carry on the affairs of the country after the 1st of July, was discussed a number of times by the council, and when we decided to drop for some days the agitation on the question of remedial legislation, it was for the very purpose of enabling the House of Commons to pass the necessary supplies in order to be enabled to carry on the affairs of the government, and which they positively refused to do. The government was acting precisely in accord with the authority cited by my hon. friend, which is, that:—

> When parliament is about to be dissolved upon a ministerial crisis, it is obviously improper to call upon the House of Commons to vote either the full amount or all the details of the proposed estimates, and so commit the country to the financial policy of ministers whose fate is about to be determined by a general election. The duty of finally deciding upon these estimates should be reserved for the new House of Commons. Meanwhile the supply of credit should be restricted to such an amount as may be absolutely required for the public service until the re-assembling of parliament, and the votes on account should not be regarded as in any degree pledging the House to an approval of the entire estimates.

Now that is precisely what the late government asked the opposition to do, and what they absolutely refused to do. My hon. friend forgot to read a precedent even for granting the whole of the supplies. Todd says, in the second volume, dealing with the same question, at page 504:—

> By necessary business is to be understood such measures as are imperatively required for the public service or as may be proceeded upon by common consent, it is inconsistent with all usage and with the spirit of the constitution that a government should be enabled to select the measures which it thinks proper to submit to the consideration of a condemned parliament, or to exercise its own discretion or for party purposes as to what measures it will bring forward or what it will withhold. Upon the same principle it is customary when parliament is about to be dissolved whether upon the occurrence of a ministerial crisis, or for any other reason to restrict the grant of supplies to an amount sufficient to defray the indispensable requirements of the public service until the new parliament can be assembled.

Hon. Mr. POWER—Until the new parliament can be assembled?

Hon. Sir MACKENZIE BOWELL—Yes. That is what we asked and what you refused, and yet you hold us responsible for not having a supply to carry on the affairs of the country after parliament died of a natural death. Under ordinary circumstances, parliament might have been kept in session for two or three months in order to obtain supplies, but the opposition of the day knew that the existence of the parliament ceased upon a certain day in April, and they knew also that if they could, by any mode of obstruction, by any factious opposition known to those who desired to prevent the business of the country being carried on, prolong the session to that date, that they could prevent not only the passage of any measure which the government might desire to place upon the statute-books, but also prevent them from obtaining one single cent to enable them to carry on the affairs of the country. If any party is responsible for the necessity which presents itself to the government to violate the law and ask the Governor General to do that which, under ordinary circumstances, should not have been done (and even under these circumstances it is

questionable whether it should be done) the blame or responsibility, whatever it may be, rests upon the shoulders of the opposition in parliament at that time and not upon the government of that day. Todd says further :—

> In 1868 however this wholesome constitutional rule was departed from by common consent for reasons of public convenience and the supplies were voted for the whole fiscal year ending 31st March, 1869, although a dissolution of parliament was agreed upon early in June. The prorogation took place on 31st July, the dissolution in November, and the new parliament met on 10th December, 1868.

Now, even if the whole of the estimates which were laid before parliament had been granted, under the peculiar circumstances in which the government of the day and parliament at that time existed, no great wrong would have arisen therefrom, for this reason; if my recollection serves me right—I am sorry I have not the estimates here at present—there were no extraordinary sums asked for in connection with any particular work, or the business of the country, other than what was going on under contract. That is my recollection at the present moment, but even when that was refused, then the second proposition was made to which I have referred, and which Todd lays down as the constitutional course to pursue, to ask for a sufficient sum in order to pay the servants of the government and to continue the work which was then under contract. So much for that question of the Governor General's warrants. I should not only be interested, but I am sure this House will be interested, and will listen with a very great deal of attention to the views of the hon. gentleman who now leads the Senate of Canada. We all know that he is an eminent lawyer, that the position he has held at the bar, and as Attorney General in the province of Ontario, for nearly a quarter of a century entitles his opinion to respect upon questions of this kind and all others, and I shall listen with a very great deal of interest to ascertain how the genius of an eminent lawyer can get around the provisions of a statute so plain as this, at least to my mind. My hon. friend also refers to the school question. That is a subject that I think it might be as well not to say much about particularly from his standpoint.

Hon. Mr. POWER—I did not say much about it.

Hon. Sir MACKENZIE BOWELL—I would have no hesitation in entering into a discussion of that question did I deem it at all advisable at the present moment, but when the hon. gentleman says, as his party continually says, that the late government, who had that question under consideration for some six years, never approached in a friendly way the Manitoba government in order to deal with the question in the interests of the minority, he states what the records show to be incorrect. Take every document issued from the Justice Department during that period—every single despatch and letter that was written to the Manitoba government was couched in the most friendly language, and in language to which no one, having the interests of his country at heart, could object. But, they say, after the last judgment of the Privy Council, the late government issued a mandatory order dictating to the Manitoba government what they should do, and which they termed coercion. Even in connection with that, they were approached in the most friendly manner, and if the opinion of lawyers be of any use to us, or should be a guide to laymen, we had no other course to pursue in order to bring the question within the purview of the Dominion Parliament. I am glad to notice that even the leader of the present government, now Premier, has made the statement in different parts of the country that it is within the power of this parliament to deal with this question, provided the Manitoba government does not come to the rescue and concede the rights to the minority. And he has also stated this, that if they will not do it, he will take the initiative in the House of Commons, and compel them to do it, or in other words coerce them. I deny the correctness of the use of that word "coercion." No coercion was ever attempted on the part of the government towards the people of Manitoba. It is not coercion to say to a man who has taken rights from you, as an individual or as a community, that he must restore them. I can understand the word "coercion" as meaning something exceedingly offensive, and as applied in the manner it has been applied in connection with the school question it is doubly offensive, because it is not true. Sir, I notice the hon. Secretary of State, I think in a speech made not long ago, told the people in this good city of Ottawa, that the better way

to settle this question would be to let the thing alone for three years, and it would cure itself. We have heard him over and over again in this chamber, from the seat occupied by my hon. friend to my right (Mr. Ferguson) declare that the late government was recreant in its duty, and cowardly in its actions; why? because they did not disallow the Act in the first place.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—And in the next breath we heard his leader, and others by whom he is surrounded, declare that there should be no interference, good, bad or indifferent, with the provincial governments, whether they act within the constitution or not. They can take whichever horn of the dilemma they please at the present moment, and the country will be able to judge of the results. Now, what the terms of the present settlement are, I am not in a position to say. I promise him this, however, that if any measure be introduced, if such be necessary, or any arrangement made between the two governments which will satisfy the people of that province and the minority whose rights I always thought, and still think, were invaded they shall have my most hearty support, and I think when I say that that I can speak for every member on both sides of the House, who differs from the general principles which actuate and guide the present government. What we desire is to have that question removed from the arena of federal politics. When they accuse the old government of having kept that question before the people for special purposes, they are uttering what the records will not establish. If race and religion have been introduced into this question it lies more at the door of those who gained at the last election by that appeal to race and creed than with the old government. It never was a question with me, or those with whom I acted, whether the majority were Roman Catholics or Protestants. I took this ground in the government of which I had the honour of being the head for a short time, and the government of which I was a member under other heads, that certain rights were guaranted by the constitution to all, whatever their race or creed might be, and that these rights should be respected at all hazards. I am still of that opinion, whether the complaint come from the Protestants of Lower Canada or the French half-breeds of the North-west is a matter of perfect indifference to me—it is simply a question of the constitution and the maintenance of peace and harmony throughout the country. I observe that the commission, of which my hon. friend opposite was to have been the head, has not yet been appointed to accomplish a settlement of the question. We know how successful he has been in the province of Ontario. We know the agitations which have taken place and the stand which he has taken upon the question of separate schools and the education of the people of Ontario. My hon. friend will give me the credit of having, since I first entered parliament, been outspoken in the declaration of my views, whether they differ from those of my leader or not. I never approved of the policy pursued by some of the Conservative party in Ontario upon this question, nor was Sir William Meredith, now Chief Justice, a party to that movement. I do not approve of it to-day. There is, to my mind, but one safe course to pursue by any man who attempts to govern, or assists in governing this country, and that is to take the constitution as it stands and adhere to it as rigidly as possible, maintaining the rights of all classes of the people, and more particularly all minorities. I ask, are you going to accomplish this great feat of settling the vexed question of the Manitoba schools by an interview with the Attorney General of Manitoba, and by means of that kindly and placid manner in which my hon. friend can deal with all questions of this kind? Let me refer my hon. friend to the speeches of Mr. Sifton, the Attorney General of Manitoba, when he went to enlighten the people of Haldimand on this question. Let us take the utterances of their organs in the North-west Territories, where they make the most solemn declarations that no interference can take place with the school law. Let us take the utterances of some of the hon. gentleman's colleagues—of Mr. Geoffrion, of Mr. Tarte and others, who have declared that no settlement can possibly take place which would be accepted by the minority, unless it places the schools exclusively under the control of their church. Those gentlemen have gone so far as to declare that the issuing of certificates, and government inspection, would be an infringement of their rights. Are they prepared to adhere to that, or are they going to gulp down all their declarations in the

past? Are Mr. Sifton and his colleagues to do precisely the same thing in order to gain a party triumph for the gentlemen who succeeded in the last election? What will it prove to the people of Canada? It will prove to them, and to the whole world, that the opposition in the Dominion parliament and the government of Manitoba were in collusion from the time the agitation began until the present moment, in order to assist in defeating the Conservative party—that they proposed then to come to some arrangement. If you can conceive of a more iniquitous understanding between parties, I should like my hon. friend the Minister of Justice to explain it to us. I leave that question to him. There are scores of other points in connection with this question to which I might refer, but to which I shall not at the present moment. My hon. friend the mover of the address gave us a long dissertation as to the duties of governments in the arrangement of a tariff. He quoted largely from the utterances of the late Minister of Finance, Mr. Foster. With every word he quoted I am heartily in accord. He pointed out in that speech what had been the experience of every statesman who has ever had anything to do with the forming of a tariff, or the changing of a tariff, or of the commercial policy of a country. Those who have read anything of history and studied anything of constitutional government, and more particularly the effect of protection upon the trade of a country and its development, know well that a young country, or a poor country, adopting protection will, of necessity, as years roll around and as the country becomes more wealthy and its manufacturers become stronger under a protective system and able to stand alone reduce the tariff and sometimes wholly remove it without detriment to existing industries. Why? Because the protection which they had received in the past enabled them to so manage their business as to be able to compete with foreign industries. Whether Canada has arrived at that period in her national life is questionable in my mind, and I think will also be a question in the minds of others. The platform of the Liberal party lays down the principle of a revenue tariff, and the hon. member from Halifax gave us his definition of a revenue tariff. His leader says he is a Liberal of the English school and a free trader pure and simple—that he is in favour of commercial union or continental free trade, and afterwards unrestricted reciprocity. Which of these views are we to have to-day? If I understand my hon. friend (Mr. Béchard), who spoke in his native tongue, he is in favour of free trade pure and simple. How to reconcile a revenue tariff with the declaration in this address that you are not to interfere with any existing interests is a problem that I think even the wise head of the Minister of Justice will find it difficult to solve. What is it that he can possibly do, under existing circumstances, without interfering with some interest, which would materially lighten the burdens of the people? They have told us that raw material must be free? If my hon. friend will look at the tariff he will find that almost every article that is used in the industries and manufactures of this country that is not produced in the Dominion, is free—almost every single article that is necessary to carry on successfully any enterprise is on the free list now. But the present Premier asks is iron free? Certainly not. Are you going to remove the duty from pig iron, which is the basis of all iron industries? And if you do, will you not interfere with some interest? If you take off the duty from raw material you will have to decide what constitutes raw material. The ore is the raw material for the man that makes the pig iron. The pig is the raw material for the man who produces the puddle bar and bar iron. The bar iron is the raw material of the man who makes horseshoes, and the nails and the horseshoe make the raw material of the man who puts the shoe on the horse, so if you are going to carry out your theory of removing the duty from raw materials, you will take it off every article in the country. My hon. friend from Marquette, who is the most ardent free trader we have, will say that everything is raw material. Did it require three months for the hon. gentleman to come to the conclusion, after the declarations they have made, that it was not necessary to remove the duty on pig iron? We have heard it announced by the hon. gentleman who was the Finance Minister of the former Liberal government, that the sugar interest in this country was legalized robbery. In fact, there is no language which could be taken from an English dictionary that was too strong to denounce the protected industries of the country. Does it require any consideration on the part of the hon. gentle-

men opposite to decide that sugar shall be free, in order that people may get it at a cheaper rate? I do not know that it requires three months for that. I can understand him, if he refers to the duty on pig iron, asking himself how will this affect the bar iron industry, the rolling mills, the manufacture of car wheels, and other iron industries; but if he begins on the basis of pig iron and makes that free, then let him make all the rest free and he will have a simple tariff. The hon. gentleman from Halifax wants the tariff simplified. I may quote a precedent for simplifying the tariff. When Sir Richard Cartwright was Finance Minister in Mr. Mackenzie's administration, he took no particular pains to readjust the tariff; he just took the tariff of Sir Francis Hincks as it was, and added 2½ per cent to everything on the list, and had it passed by the Parliament of Canada.

Hon. Mr. POWER—The previous one was a simple and reasonable one. That cannot be said of the present tariff.

Hon. Sir MACKENZIE BOWELL—It was not an exclusively revenue tariff at that time, because if the hon. gentleman will study the history of the question he will find that Sir Alexander Galt had imposed a duty on woollens, and particularly blankets, upon the protective principle. Under that protective tariff the blankets and woollen manufactures of this country were established and are in existence to-day. The result of it was that a very few years afterwards the coarser qualities of blankets and woollens used by the lumbermen and the people of this country were as cheap, or cheaper than they could be bought in England.

Hon. Mr. MACINNES (Burlington)—Hear, hear.

Hon. Sir MACKENZIE BOWELL—My hon. friend from Burlington has had experience, and he knows that my statement is correct. When I am told that the tariff of Sir Francis Hincks was a simple one, I say it was, but I am speaking of the genius which the Finance Minister in Mr. Mackenzie's administration displayed, and the happy manner in which he solved the tariff problem at that time. The country will be interested in seeing the proposition that is to come before the House. Is it necessary that the present government should have three months to consider whether the iniquitous three cents a pound on the products of the hog should be removed? We are told that it is in the interest of the consumer that that tax should be removed, but what would be the result on agricultural industries? How will it affect the coarser grains? Will it not be an injury to that class for whom the opposition has expressed so much solicitude during the last twenty years. For twenty years they have been denouncing this protective tariff as iniquitous and a robbery. Do they want six months more to ascertain how to remove it? I say, adopt the English system at once if you are honest; put the duty on articles that we do not produce in this country, and make the unfortunate farmers, for whom you have been weeping and almost going into mourning, pay more for their sugars and teas, and keep out the raw material altogether, because you cannot adopt a revenue tariff and raise the necessary funds for carrying on the affairs of the country unless you tax every article which is now free under the present tariff. Give us a stamp duty and give us duties upon articles that are now free, and you will accomplish the objects you have in view, but whether that will be acceptable to the country, or whether it will be a relief from taxation for the very class for whom you have been so solicitous for years past, is a question I leave hon. gentlemen opposite to solve. My hon. friend from Halifax called attention to the announcement made by the late Finance Minister in the House in 1893 that the tariff would be considered with a view to reduction before the next meeting of parliament. That is true, and that is one of the errors which we, as a government, made. It did interfere with the trade of the country; but with the present opinion prevailing in this country as to what the hon. gentleman who now controls its destinies will do, there will be a stagnation in business which will prevent the investment of money in many industries. Everything will be cut down, you may depend upon it. I am speaking from experience, and I acknowledge frankly the error which we made in 1893; but when that announcement was made by the Conservative Finance Minister, it was on this basis, that whatever reduction should take place, the

principle of protection to the industries of this country should be continued and maintained. The declaration made by the hon. gentlemen now in power is, if I understand them, this: that they will remove every vestige of protection—at least so they have said—but probably in the future, as in the past, they will act upon the principle of professing one thing in opposition and carrying out another in power, and I am quite satisfied that that will, to a very great extent, be the case. Their numerous promises and declarations of principle, not only in connection with the tariff, but in connection with scores of other things, will be violated. They will find it utterly impossible, in the administration of the affairs of the country, to put their theories into practice, and so it will be with the tariff. If trade does not stagnate and the manufacturers do not keep their manufacturing within the strictest limit of the requirements of the country, I shall be very much mistaken, and I base that opinion upon my knowledge of what transpired in a very much less aggravated degree in the past. With the government, however, must rest the responsibility. I accept the opinion expressed of me by the hon. gentleman from Halifax—I am now, and always have been since my boyhood, a protectionist. The older I grow the more I am convinced that it is the only policy which can be pursued in any new country that has not attained to a wealthy position, if they expect to prosper and become a wealthy people among the nations of the world. Free trade is an admirable theory—my hon. friend from Marquette has it to perfection—but free trade in practice is quite another thing, more particularly when you are shut out from all the other markets of the world. I hope whatever the government may do that they will consider well the responsibility that rests upon them in dealing with the very important question, and if I have sufficient strength, and I am here, they shall have my earnest support, provided their policy is in accordance with what I think it should be. If not, I shall endeavour to put it as right as I possibly can. I have no sympathy with this constant cry of unfriendliness to our neighbours across the line. I look upon such declarations made by hon. gentlemen on that side of the House and by the party with which they are connected—more particularly the leading one—not only as being unpatriotic, but as tending to the material and everlasting injury of Canada. Are we to stoop to any foreign power, to go upon our knees and beg like a beggar in the street for concessions, when we know that they have been refused over and over again? Do we not know that the leading statesmen of the United States have told us, time and again, that they will never re-enact the treaty of 1854? Yet the Premier tells us, in an interview with some United States interviewer in Chicago—the representative of a third class newspaper at that—that there is no reason why this treaty should not be re-enacted. I go further—I question whether the interests of the agricultural community of this country would be benefited by the restoration of the tariff as it existed at that day. Circumstances change. Canada is not in the same position that she occupied in 1854, or during the negotiations of Lord Elgin, when the first reciprocity treaty was enacted. We stand in a firmer position to-day as a people, in wealth and industry and in everything that tends to make a people self-reliant, than we did in those days. The United States, it is true, repealed that treaty: what did it do? It created a stagnation in this country for a very short time, but the genius and industry of the people of Canada led them to adopt other means by which to secure a return for their labour that did not exist during the time that that treaty was in force, and the result has been that we have turned our attention to other industries. The market of the United States is no longer of the same importance to the Canadian agriculturist that it was 20 or 30 years ago. We are in a position to stand alone in that respect. Any reciprocity treaty that may be made will have the support of every member of this House, I am sure, provided it is on a square and equitable basis, but I hope that the Canadian people have not so far forgotten their allegiance to the Empire, of which they form an integral part, as to ever consent to the adoption of a treaty which will discriminate against the mother country. Mr. Blaine has told us distinctly, and the leading United States newspapers have declared consistently, that no reciprocity treaty can ever be effected with the United States that does not shut out the manufactures of all other countries; or, as one paper said the other day, "you must have the United States tariff in Canada if

you expect to have the benefit of our market." I am one of those Canadians who have lived in Canada a long time—perhaps longer than some of those present here to-day who were born in the country. I have watched the progress of Canada and have come to the conclusion that Canadians are not inferior intellectually, industrially, or in perseverance, to any other people in the world, and that while we are prepared to deal fairly and honestly with our neighbours, we never should consent to any arrangement with a foreign country that will not be equitable in its character, or which would prove injurious to the empire of which we form a part. These are my views, and I deprecate in the strongest possible language this constant appeal to the United States, and the declaration that we have been unfriendly to our neighbours. It is not true. There is nothing on record in the statute-book, or in the correspondence between the United States and Canada since confederation that can establish a charge of unfriendliness. Talking about the bonding system, I am surprised that a man, with the genius and eloquence of the premier of this country, should refer to the subject as he has done. We all know that the bonding system is guaranteed by treaty, and that if the United States were to denounce that treaty it would affect them quite as much as it would affect us. We are not so dependent on the United States carrying trade as we were twenty-five or thirty years ago, and as we are deepening our canals and extending our railway system, we are becoming more independent every day. Look at the traffic through the United States of Canadian products, amounting to sixty or seventy million dollars annually. Does any one suppose that our neighbours will denounce a treaty which gives them the benefit of that carrying trade? The whole thing is so nonsensical that I wonder that the leader of a great party should give utterance to such sentiments. Then there was a remark made about the coasting trade. Everyone knows that we have been trying to induce the United States government to concede the coasting trade to Canada in the inland waters. If you refer back to 1869, the first despatch which I had the honour of drafting and sending to the United States on the trade question, when I was Minister of Customs, laid down the broad principle that if the United States was prepared to repeal its navigation laws, so far as they affected the coasting trade in the inland waters of Canada, although we were only four millions of people as against their sixty millions, we were prepared to meet them on equal terms and fight the battle with them. That proposition was made by me to Mr. Blaine, and he said: "Oh, no. Do you propose your scheme for the inland waters and also for the sea?" I replied: "No; our proposition is for the inland waters only; but if you are willing to negotiate the broader question, we are prepared to discuss that question too. Our statutes give us power to declare the coasting trade free to any nation, and the moment you adopt that course we will follow you to the fullest possible extent. Surely you are not afraid of the four or five miliions of people in Canada when you have sixty millions of people in the United States." Mr. Blaine, with that characteristic of all United States citizens—and I admired him for it—turned to Mr. Forster and said, "How will that affect the United States?" The conclusion they came to was, as expressed in Mr. Blaine's own language, "Great Britain has the carrying trade of the world now, and we will not permit them to come into our waters." That is the spirit in which, I venture to say, you will be met when you come to ask the United States government for concessions. If you take my advice you will not accede to anything of the kind. If they give you free coasting trade—wrecking we did concede to them in the interests of humanity, though some of the Liberal party objected because it affected their personal interest—let us reciprocate, but I hope beyond that the government of Canada will not go. I have to apologize for having spoken at such length, but so many points were raised by the mover of the address, affecting the administration of which I was a leader for a short time, that I deemed it necessary to put in this defence.

Hon. Sir OLIVER MOWAT moved the adjournment of the debate.

The motion was agreed to.

The Senate then adjourned.

THE SENATE.

Ottawa, Thursday, 27th August, 1896.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE ADDRESS.

DEBATE CONTINUED.

The Order of the Day being read :

Resuming the adjourned Debate on the consideration of His Excellency the Governor General's speech, on the opening of the First Session of the Eighth Parliament.

Hon. Sir OLIVER MOWAT said :—In following my hon. friend opposite, I desire first of all to express my appreciation of the very kind way in which he spoke of me yesterday. I appreciate his kind words, as well as the kind words which have been addressed to me in private by other members of this House belonging, not only to my own party, but belonging to that party which is not mine. I am not of a nature to be insensible to kind words which are the expression of kind thoughts, and I rejoice greatly that our Canadian politics are in such a condition that political opponents may at the same time be personal friends. A word in regard to the mover and seconder of the address in answer to the Governor General's speech. With regard to the mover, you all know him much better than I do. You all know his merits much better than I have had an opportunity of knowing them. I have always heard him spoken of as a ready and well informed speaker, a courteous one also, and an able man, and now I can testify from having seen and heard him, that the general reputation which he possesses is in accordance with the fact. I wish very much that I had been able to follow as closely and intelligently what was said by my hon. friend who seconded the resolution. Unfortunately, though I know something of French, I am not able yet to follow a speaker, but perhaps in the position I now occupy it may be my duty to endeavour to supply that defect, and being a young man, full of vigour, I have in contemplation a course of study which may place me in a better position in that respect, after four or five years, than I am in now.

The first subject that my hon. friend opposite took up in discussing the address was the expenditure which had been made under Governor's warrants. My hon. friend expressed himself as perfectly horrified at the idea of those Governor's warrants, and he read the statute under which they were passed as by no means in support of them—I am not sure but he cited the statute as showing that no such warrants could issue. I differ entirely from my hon. friend in his reading of those statutes. I think the statutes quite plainly authorized the warrants. I so advised my colleagues and I stand by the advice that I gave. Let me call the attention of the House once more to the wording of the statute. It authorizes a Governor's warrant for what may be said to be two classes of cases, or rather for one specific class, and then for a general class. The specific class is repair of public works, and then follows a general clause in regard to which there is no limit to the purpose, excepting urgency of the expenditure. These are the words of the statute :

If, when parliament is not in session, any accident happens to any public work or building which requires an immediate outlay for the repair thereof,

That does not apply, but the next provision does apply—

or any other occasion arises when any expenditure not foreseen or provided for—

Not merely not foreseen, which was the reading of my hon. friend, but not foreseen or not provided for—

is urgently and immediately required for the public good.

Then the section provides for the issuing of the governor's warrants. So that the only question is whether the payment of the salaries of the officials and the contingencies of the departments is a matter urgently and immediately required for the public good. I do not see how any person can doubt the urgency of these things, for I cannot see how any government could be carried on unless the salaries of the officials are paid and the contingencies of the departments provided for. It cannot be done. Not to make this expenditure would be to paralyze all government for two or three months, as the case might be, and, therefore, I cannot imagine an occasion for expenditure

which more certainly comes within the words used or within the intention of parliament, than the case which occurred. Who imagines, that if the Conservative party had succeeded at the elections, they would not have interpreted the statute in the way we interpreted it? Would they have felt at liberty to say "No, expenditure for the officials is not required, and we can get on quite well without it," and would they have refused to pass the order? They would not have thought of such a thing for a moment. It would have been absurd. I say with the utmost confidence, that the expenditure of the money required for the carrying on of the government for the couple of months necessary to be provided for was expenditure urgently and immediately required for the public good. It will be observed that every reasonable precaution is provided by the statute against any misuse of this privilege and this duty—I call it a duty—for I say, not only were we at liberty to act upon this statute for the purpose I have mentioned, but it was our duty to act upon it. We had no alternative. We would be violating the duty which we were sworn to perform, if, with that statute before us, we had left the salaries unpaid and the corresponding duties unperformed. The statute provides every precaution that a statute could provide to prevent a misuse of the privilege that is given. The minister in charge of the service has to report that the necessity is urgent. The Council has to be satisfied that it is urgent and immediately required for the public good, and then the Governor General is at liberty to issue his warrant. I would say further, that under the circumstances, it was his duty to issue his warrant.

It is said that it is the fault of the Liberal party that provision was not made last session for these expenditures. There are several answers to that observation. I might answer it by saying that that was one of the matters discussed in the elections which have just taken place, and the people, by their verdict, have sent a majority of the representatives of the Liberal party to parliament, notwithstanding the charge that was made against them on this account. That of itself is a complete answer. One might say other things. What was desired by the late government was, that the estimates for a whole year should be voted. I do not find that there was any other message from His Excellency brought down, or any other proposition made, unless it may have been verbally across the House as my hon. friend stated. I have not time to verify that statement further, but it is not suggested that there was any formal proposal for anything short of a year's expenditure. What was the duty of the late government on this subject? It is stated very clearly in one of the passages which I think were cited by the hon. mover of the address, in which he referred to the 520th page of May. It is expressly declared there, that a government ought not to ask for a year's estimates, previous to a dissolution and where the time is such that a year's estimates are not required. Here is the language:

> If the dissolution occurs in the early portion of a session, before supply is completed, it may be necessary to take votes on account sufficient to carry on all the services, army and navy as well as civil, until the new parliament is able to consider the grant of supply.

Several illustrations of that are given there.

In 1857 and 1886 supply was taken for four and five months; in 1880 a supply was taken for three months for navy and civil service, and a four months' grant for education—just according to the period, which, in view of the time of the dissolution, was thought proper. In June, 1841, Lord John Russell proposed to take supplies to the end of October. If that conversation took place which my hon. friend referred to, in which the government proposed to abandon the attempt to pass the whole year's estimates, it was only after considerable debate, and after they found they could not carry the estimates as a whole. In that case of 1841 Sir Robert Peel objected that if they took supplies till October, this would enable the government to defer the meeting of parliament till October, and Mr. Gladstone stated that parliament should be summoned as soon as possible. It has always to be considered that for whatever period the government take supplies, even if they were beaten at the polls, they would have the means of retaining office and not calling a session of parliament until the supply would be exhausted. It is manifestly not very material now why the Liberal opposition of last session were unwilling to give the supplies. Rightly or wrongly they were not willing to trust the government of the day. It was quite unde

stood that there was to be a change in the personnel of that government, and they were not willing to entrust the new government or the old with more money than was absolutely unavoidable. They had the appropriations up to the 1st July and for reasons which satisfied themselves, the opposition were not willing that the government should have them for any longer period.

The next subject taken up by my hon. friend was the Manitoba school question, and in connection with that he mentioned that it had been expected that federation would put an end to religious cries for ever. I think nobody was so sanguine as to think that federation or anything else would put an end to all religious cries, but one object at all events, was to allay the religious difficulties which then existed between Upper and Lower Canada, and it was expected that the evils then prevailing would be put an end to, so far as such evils can be put an end to by legislation. Let me say further, that federation was perfectly successful in accomplishing that object, and we had no religious cries mingled with the politics of this country for many years after confederation. Every one who has studied history.–and there are men in this House who took part in the proceedings of that day—knows very well that feeling ran high in the province of Canada with regard to such questions as education, before confederation. No doubt, the difficulty which arose from that circumstance was one of the reasons which led to federation being thought of, and to all parties in Upper and Lower Canada concurring in it. It was successful, I say, and there was hardly any interruption to the peace until the New Brunswick school case occurred. That was settled. The next time a religious cry came in question, was when it was brought forward by my Conservative opponents in Ontario, for the purpose of getting by means of it votes against the government of which I was premier. The first time that that endeavour was made, the cry was that the government was not sufficiently favourable to Roman Catholics—that we did not give them offices enough—that we did not give them all the legislation they were entitled to; and we had to debate all that before our people. We had to show to our Roman Catholic friends that we had given them a fair share of the good things that were going, and that we had given them all the legislation to which they were entitled. Probably nineteen-twentieths of them were perfectly satisfied with the explanations made, and we lost but a very small fraction of the Liberal Catholic vote at that election. The cry having been unsuccessful, the same party at the next general election, or the one following it, raised the opposite cry—raised the cry that we were slaves of the Roman Catholic clergy—that we were giving the Roman Catholics too many offices—that they had entirely too much power and patronage, and that we had been giving them school legislation for several years to which they were not entitled, and which was unfair to the general community. All this we were able to answer. We had to fight for our lives every time, but we fought successfully. At every election since the same cry has been raised to some extent and in some quarters. My hon. friend's party, as represented in Ontario politics, is the party that has raised the religious cry more since confederation than it has been raised, unless you consider the Manitoba school question an exception.

My hon. friend has been endeavouring to point out inconsistencies on the part of some of the leading members of the Liberal party. He says at one time an hon. member of that party said one thing in one place and another thing in another place. I am not concerned about all that. It was discussed at the elections which have just passed. Everything of that nature was brought forward, and was pressed at meeting after meeting. Our people were fully informed as to it all, and the majority of them, notwithstanding, manifested by their votes, and the result of their votes, that they gave their confidence to the Liberal party and their leader. The important question will, by-and-by, be how the question is to be solved now, how the evil is to be cured which caused so much trouble during the elections. I am not going to anticipate that question by any observations I may make now. It must be the wish of everybody that some solution should be found which would be fairly satisfactory, which we might all be able to defend if we chose to defend, and which would be for the advantage of the country generally. When the scheme is propounded, if it is attacked at all, I shall be ready to defend it if I should then be here.

Then my hon. friend referred to the tariff.

He was so full of the subject that I think he could have given us a very interesting speech for two or three hours more. His speech was very interesting as far as it went. On this subject, as on any other, my hon. friend is always interesting, and if he does not think he can be interesting, he does not talk at all. This matter of the tariff was one of the issues at the late election, and I do not think it profitable on our part to be discussing whether it could be made out that there was this or that inconsistency. What we unite about the House and the country will know at the next meeting of parliament. I think the scheme which will then be submitted will not only be sanctioned by the Liberals of the House of Commons but also by this Conservative House. I understood my hon. friend to say that there are some matters as to which tariff changes, if they are to be made at all, might as well be made now as at a later date, but the policy of the government is not to do this work—a very important work it is—by piece meal. We hope to be prepared to act upon it next session, and then by a general measure affecting all descriptions of goods which are to be dealt with. During the elections it was never suggested that we would be prepared with the tariff measure at this session. It was never suggested that we had ready a cut and dried tariff then. Those who understood the subject quite knew that that was out of the question, Sir John Macdonald and my honourable friend dealt with the question in 1878. They had no cut and dried tariff ready, but they went to the electors and succeeded in convincing them that a protective system was far better than the system which then prevailed, and that it would result in prosperity to the country. The people having been convinced by the arguments of my honourable friend on that subject, elected a large majority to support that policy. Then the ministers set about making inquiries and investigations, and having interviews with men familiar with the subject, with experts, and prepared a tariff framed after all the information they were able to gather. Their tariff was such as satisfied their friends, and our tariff, made as it will be after similar investigations, will, I hope, satisfy, not our friends merely, but the country likewise.

I feel the great difficulty that there may be in dealing with all these questions by a Liberal government because the Liberal party has so few followers here. Probably such a state of things never existed in any country before with representative institutions, that four-fifths of the members in one chamber belong to one party —and that only the remaining fifth or less than one-fifth belong to the other party. I have felt that difficulty, and every one must have felt it, but I would not have consented to come into this House—I would not have felt it right to avail myself of the honour of having a seat in this House—and I feel it to be an honour—if I did not believe that the House would be found to be workable even with a Liberal government. There were various reasons which made me reasonably confident of that. One is that there are a great many points on which we are at one. Though Conservatives and Liberals, as represented in this House, differ and our parties differ on some important points, yet we are in accord on a great many points of prime importance. One thing I rejoice to know is that we are all heartily loyal to our Queen. I do not think that anybody doubts that there is such loyalty in those who represent the Liberal party in this House any more than they doubt the loyalty of those who represent the Conservative party. Then, further, I rejoice to know that we all alike are attached to British connection. I add to that another attachment that I am sure we all have, and that is to this Canada of ours. I believe we all, whether Conservatives or Liberals, love this Dominion. It is our home. Canada is the fatherland to many of us, and it is the home of our children and descendants, and we hope it shall be their home for generations untold. We are all interested in its welfare, we are anxious about its welfare, and will not consciously act, any of us I am sure, in a way prejudicial to that welfare. Those are grand points, points of prime importance, and they are encouraging when I consider the difficulty that the Liberal party is under in this House. We have also in common large interests. The case is not one in which the material interests of the Liberal party are one way and the material interests of Conservatives the other way; not a case in which the measures which promote the interests of the Liberals are

not the measures which promote the interests of Conservatives. Whether we are right or wrong about the tariff or other matters, we shall all benefit, or all suffer, as the case may be. We have common interests, but we do not take the same view of what those common interests are. That is the only difference between us.

I rejoice to have in mind the materials of which this House is composed. When I consider what the materials we have here are, how this House is composed, some very promising thoughts come into my mind. A large number of the members of this House, even before they came here, have had a very important training in matters of government and legislation, and all of them have had an important training in the affairs of the world generally, whether they have in matters of government and legislation or not; all of you were men of mark; all of you had influence in your respective localities, and many of you beyond your localities; and you were all men of activity and energy and force of character; you were all able to work your way up to the places which you hold now in the government of the country. And all classes are represented here; all nationalities, all the leading Christian denominations, and all occupations are represented here. I have spoken of the training which a large number of you had, even before coming here, and you have had more training since in matters of government and legislation. You have several ex-judges here, and we all know the value that is placed upon the assistance of judges in the legislation of a country. You have three, perhaps you have more than three, who have been lieutenant-governors of provinces, the highest gift, I suppose, which is in the hand of the Dominion government. Then you have at least one hon. gentleman who has been premier of Canada and has all the experience and all the ability implied in one who reaches that high position. You have several ex-premiers of provinces here. You have other men who, though they had not reached the position of Dominion premier, have been ministers of the Crown for the Dominion. You have ministers here who were ministers in provincial affairs, and probably every one here has given much attention to political subjects and is familiar with them—subjects of government and legislation. When all this can be truly said of a House, such a House ought to be a useful body; and what is to be said against it? Well, of course, politics are to be said against it. From my standpoint I cannot defend that part of the Senate's characteristics and will not make the attempt; but there are considerations bearing on that point which are extremely important and in which I think you will agree with me. One thing said against this House I am prepared here now, as a member of this House, to repudiate. It is often said that this House consists of old men, men who are worn out, either were never good for anything or are not good for anything now. But nothing can be more clear than that all the members of this House were once good for a great deal or they would not be here. That is the reason they are here, because they were good for a great deal. As to being too old for work, there are not many men in this House as old as Sir John A. Macdonald was when he was not too old to lead his party with great ability and acceptance, as he did until a few weeks before his death. There are not many of you so old as Sir Charles Tupper, who was chosen lately, either by his whole party or a portion of it, to be the leader of that party.

Several Hon. MEMBERS—The whole party.

Hon. Sir OLIVER MOWAT—The whole party—that is stronger. I wanted to be moderate. Not only a portion of the party, but all the Conservatives in Canada preferred him to lead the party in the elections and since. Very few of you are as old as he is. I believe most of you are not as old as one of the latest appointments the Liberal Government has made to this House. Not many of you are as old as my humble self, and I was thought equal to the office of Minister of Justice by the Liberal party; and it is in that capacity I am here, and it is, I believe, the first time in the history of this House when the Minister of Justice was a member of it.

Hon. Mr. DEVER—Sir Alexander Campbell was, for a time, Minister of Justice.

Hon. Sir OLIVER MOWAT — Sir Alexander Campbell was one of my early friends. He was one who illustrated how

political opponents may be personal friends. He was leader of this House for many years, and held various portfolios during his leadership. I forgot for the moment that amongst these had been the office of Minister of Justice; I hope to occupy the position a good deal longer than he did. I want to hold it as long as Sir Alexander Campbell was a member of this House, but I am not anxious otherwise to be here. I do not want a long term on the other side. When Sir Alexander Campbell became Lieutenant Governor I was his chief adviser. We had to do with political matters as well as other matters, and I am able to say that, during the whole of his Lieutenant Governorship, there was not one instance of friction between us. Nor did that arise from our friendship as making his case exceptional. I was Prime Minister under several other Governors who were strong Conservatives: Mr. Robinson, Mr. Crawford and Mr. Kirkpatrick—all of whom were strong party men—all were familiar with the duties of Lieutenant Governor and with political questions—and I had not one instance of friction with any of them in any of the political or other matters that came before us. Why may I not have a like experience in my relations with this House? Now, this House follows to a large extent the course of the House of Lords. This House recognizes the House of Lords as that public body which this House was constituted to signify in our constitution here in Canada. There are, of course, important differences which are unavoidable. This is a life appointed House. The House of Lords contains very few members of that kind and is mostly hereditary. One advantage of that system is that when a peer dies his successor is almost sure to be of the same political party. That has not been the case with regard to this House. During the last 18 years, as the country was in the hands of one political party, when Liberal members dropped off Conservatives were put in their places, and that is why the House is now constituted as it is. Then, again, there is a large respect existing in England, in all parties, for the old families and for old titles and for peers generally, and there is a prestige on that account which cannot exist here. A good deal is borne from the House of Lords—more probably than would be borne from them if they were appointed as the members of this House are. All that has to be considered. The House of Lords is largely Conservative, though nothing like so Conservative as this House is; still it is Conservative, and its members endeavour to make the House work with Liberal governments as well as Conservative governments, and are constantly passing, and feel it their duty to pass, measures of a Liberal government of which they do not themselves approve. Very many instances of that kind will occur to you. One was the Reform Bill; that was passed reluctantly by the House of Lords. They did not believe in it. It was not only that it might lessen their own influence, they thought it would lessen the prosperity of the country, but still they submitted to it. There is an advantage which ministers there have which does not exist in this country and which could not exist in this country under our constitution. The ministers of the day there may, with the consent of the Crown, add any additional number of members to the House of Lords; and if the House of Lords refuses to pass measures which a Liberal government desire, there is always that power to prevent any evil from that cause, and the very fact of that power existing operates to prevent the necessity of its being exercised. Accordingly the Lords passed the Reform Bill. The Catholic Emancipation Bill is another example of the same thing. That bill was passed by the House of Lords without believing in it, but it was a demand of the country through the popular House, and the House of Lords acceded to it. The repeal of the Corn Laws is another example. Others are the Jewish Oaths Bill and some of the bills passed in recent years with reference to Ireland, ameliorating the condition of the people there. They did not believe in these measures, but they had been passed by the House of Commons, and the House of Lords acceded to them. Now what is the principle on which this House may be expected to act in their present novel circumstances? I know the House will not be an obstructive House. With all their experience of legislation and government and general affairs and with all the knowledge of history they possess, I do not think it is in the mind of anybody here that this House should be an obstructive House towards the Liberal government. Then what is the principle that is to govern their duties here? What are our

primary duties here? It is laid down, and I presume correctly laid down, that our special duty is to criticise, revise and amend the measures that are sent up to us. There are other things besides, but dealing now with the measures sent up to us from the other House, those are the duties we have to discharge here, and very important duties they are. It is very important for even friends to criticise our work, to have friends revise it and friends amend it. I apprehend that there is important work of that sort to be done but not in a spirit of partisanship, and I expect that this House, constituted as it is, will feel that to be so. It is no wonder that, without experience, similar Houses have acted differently in the past. The old legislative councils, we know, used to be obstructive to the popular Houses. That was one cause of the rebellion of 1837–38. That rebellion was suppressed, and everyone of us is glad that it was, but after the rebellion was put down by the people of the country with little or no help from England, responsible government was granted to one province after another, and then there was no further trouble with the legislative councils. I have considerable reliance upon the spirit in which legislation will be investigated and treated here, even when it is legislation which has not the approval of the party to which the majority of this House belong. For myself, I mean to use my best endeavours to do what can be done for the purpose of making our constitution, as it stands now, workable. I had something to do with framing the present constitution of this House. I was one of the ministers of Canada who took part in the Quebec Conference at which the constitution was agreed to by the representatives of the various provinces, the constitution which was afterwards approved of by their respective legislatures, and which having been put into the form of an Imperial Act of Parliament, is now our constitution. I do not say that I then thought that the system adopted for this House was a safe system for us. I did not think so, but my leader, Mr. George Brown, the leader of the Liberal party of his day—a very strong man in every respect—was in favour of an appointed House, and a House appointed for life. So, with the exception of two of us, were all the other ministers from the then province of Canada, and the delegates from all the other provinces represented at that conference. The only two members who took a different view in that respect were the Hon. William McDougall and myself. We spoke against it in the convention, but we got no help in the matter; and we therefore accepted the proposition of our colleagues. We accepted it because we regarded confederation as a very great thing. It not only put an end to the troubles then existing, but it laid the foundations of a great nation here, and we were Canadians enough to rejoice in preparing the way for a great nation. Canada has made great progress since then, and I hope under Liberal rule it will make greater progress still. I was responsible, therefore, in a measure for the House being constituted as it is now. I should myself have preferred that in some way or other the House should be elected from the first, but you cannot introduce an elective system gradually. To make it effective it would have to be introduced thoroughly and so as to affect the whole House at one time. Such being the constitution of the House, and having been appointed to the position I occupy now, I mean to do my best to make the system workable, to make the House such a House as one can defend, that it may have a larger amount of confidence in the country, and more supporters in the country than it has now,—that, in fact, it may be popular with both parties. It is popular enough with one party now, but it is a pity that it should be popular with only one party. I shall do my best to point out the way in which I think it can be made popular with all, consistently with its dignity and its rights. With this House I expect to be associated during the remainder of my political life. I have come nearly enough to the end now to believe that I shall die a member of this House and a senator of Canada; and I shall endeavour to make the Senate so far as they will permit me, acceptable to the whole country, even to those who have been hitherto opposed to it.

Hon. Sir FRANK SMITH—It has been for the last 18 years very acceptable.

Hon. Sir OLIVER MOWAT—Yes; to one party. I do not wish to enter into a controversy on the subject. One side or the other is wrong, but at all events it is not acceptable to both parties—that is indisputable. I thought it a fitting thing, that

the first time that I addressed the House on an occasion of this kind, I should mention those things which I have taken the liberty of mentioning, and I hope that I have said nothing that hon. gentlemen will from their point of view consider seriously bad, and I trust that the result of our deliberations will be satisfactory to the country.

Hon. Mr. FERGUSON (P.E.I.)—I confess to a considerable feeling of trepidation in rising to address the House, following as I do the very eminent gentleman who has just addressed us. I feel that it is a subject of sincere congratulation to this House that my hon. friend has been appointed a member of it. His long experience in public life, his eminent services to his own province, his services even in the formation of our confederation—all these things together serve to make him a very important acquisition to this House; and after the speech which my hon. friend has delivered, after the many kind and good things which he has said about this Senate, we might almost be inclined to doubt his heterodoxy upon almost any subject. He has certainly, in commending this House and the members of it individually—the choice that has been made of them—paid a very high compliment indeed to the eminent statesmen leading the Conservative party who have been responsible for most of the appointments that have been made of the present senators. I may say, however, that the very kind and complimentary words which the hon. gentleman has applied to the members of this House are modified in a slight degree by some of the positions that my hon. friend happens to have taken regarding this House in his political life. If I mistake not, my hon. friend was the president of the Interprovincial conference which met at Quebec in 1887, and I have read a resolution which was passed by that body which is not as complimentary to the Senate as the speech which has just been addressed to us. I find that my hon. friend also presided at the Liberal convention which met in Ottawa in 1893, and I have looked over a resolution which was adopted at that convention which is also not so complimentary to the Senate of Canada as the speech to which we have just listened. When I read these resolutions and heard his speech to-day I recalled the lines:

> It was all very well to dissemble your love,
> But why did you kick me down stairs.

There is also another subject to which I shall have to refer before I proceed to discuss the questions that have been brought before us in the address and have been so ably dealt with by my hon. friend the leader of the opposition, the mover and seconder of the address and the hon. gentleman who has just spoken. The present leader of this House addressed a letter to the present premier of this country which appeared in the press on the 4th day of May last, in which I find the following language:

> It has been suggested that I might take a seat in the Senate instead of the House of Commons. I perceive the advantages of this, both as regards myself personally, and as regards the consideration of future constitutional changes which would add to the usefulness of that body, assuming that a second chamber for the Dominion is to be retained. How a second chamber consisting so largely of the nominees of one party as the Senate now does can be just to a new government of another party remains to be seen and the necessity of early constitutional changes may depend on this.

It struck me, when I saw that address and when I heard afterwards of my hon. friend being appointed to a seat in this House, that the threat implied in the address of the hon. gentleman was not consistent with his present position as a minister of the Crown. My hon. friend was not a minister of the Crown for the Dominion when he wrote that address, but he then intimated that he intended to accept a position in the Cabinet and to become a member of the Senate. I find in Todd the following:

> While the decision of the House upon any question which is calculated to affect the relations of ministers towards the House of Commons is pending, it is highly irregular and unconstitutional to refer to a dissolution as a probable contingency, with a view to influence the conduct of members upon the particular occasion. For the Houses of Parliament should always be in a position to exercise an unbiassed judgment on every question brought before them, fearing neither the Crown on the one hand, nor the people on the other.

As a member of this honourable body, proud of being a member of it, although not having a very long connection with it, and having the respect which I have been compelled to feel for each of its members individually, I must protest against those statements of my hon. friend in his address which I have quoted, which involve a threat from himself and the party to which he belongs that unless the members of this House pursue a certain line of action, constitutional changes will be brought to bear, and thus our action is attempted to be influenced by that threat.

Hon. Mr. DICKEY—We must behave ourselves.

Hon. Mr. FERGUSON—If we behave ourselves, all right; if not, our independence and freedom of action are to be attacked. If time permitted, I could quote eminent British authorities on this subject. Those authorities refer to threats of dissolution of the House of Commons. But the principle is equally applicable to this House. On all occasions when such threats have been made, the members of the House of Commons have resented them and the gentlemen making them have had to explain them before their fellow members. I could refer to the opinion of Lord Russell, as expressed in 1858, when Mr. Disraeli made the statement in Buckinghamshire that if gentlemen of the House of Commons chose to oppose the government on certain measures then before the country, they would have to account for their actions before their constituents. When parliament met, Lord Russell, in a very dignified and argumentative speech, took up the subject and had evidently the full sympathy of the House on the doctrine he laid down, that it was unconstitutional for any minister to throw out a threat for the purpose of influencing the House on any matter then before the country. That being the case, my hon. friend himself will see that if it is improper on the part of a minister of the Crown to threaten the House of Commons with dissolution unless they give their support to the ministers of the day, it is equally improper for a gentleman who announced his intention to become a minister of the Crown, and who is now a minister of the Crown, and a very important and leading one to throw out an intimation, as my hon. friend did, that if the Senate of Canada was not just to the incoming administration it might be necessary to reform it. I cannot think that there was the slightest necessity for any such intimation on the part of my honourable friend. Indeed his own speech to-day is the best possible proof that it was not called for. He has himself admitted that the history of this House is not such as to warrant the belief that it would act unjustly to any ministry. What has the experience been? When the Mackenzie government was in power, there were only two in any way important measures of that government that were defeated in the Senate in the whole five years they were in power.

Hon. Sir OLIVER MOWAT — There were more than that.

Hon. Mr. FERGUSON—There may have been, but I think there were only two of any great importance. I think the hon. gentleman from Halifax made the same statement in this debate already, and it is substantially correct. I also know that, since I have been a member of this House myself, its members have not been inclined to accept unqualifiedly measures that the Conservative government have seen fit to introduce. I know it was so in the case of the Insolvency Act, which, after having been introduced in this House, was laid over for a year, when it was reintroduced in 1895. The feeling in this House was so decidedly against it, voiced by the hon. member from Monck to a considerable extent—and there is not a stronger Conservative in the Dominion of Canada than that gentleman—that the government thought it proper to drop that measure. This Conservative House was not inclined to carry the measure merely because the Conservative government had introduced it. I think the history of the Senate during the last eighteen years, and during the time the Mackenzie government were in power, has been such as to convince my hon. friend (and I believe he is convinced judging by his speech to-day) that they will be inclined to treat measures coming before them, whether from the government or otherwise, with fairness and justice and not on strictly party grounds. I was very much interested following my hon. friend in discussing this question of the Governor General's warrant, and my breath was almost taken away when I found the hon. gentleman giving the weight of his very great authority in support of the constitutionality of the issuing of these Governor General's warrants under the circumstances which existed. In connection with that matter, I have the opinion of a very eminent man, for whose legal and constitutional knowledge I know my hon. friend has the very greatest possible respect—Sir John Macdonald—and I wish to show what his opinions were on this subject. It will be found that he took a diametrically opposite view of the law from what my hon. friend has put before the House to-day. It was in 1878 when Sir Richard Cartwright, as Minister of Finance, asked the House to sanction a vote of money which had already been expended by the use of Governor General's warrants. It was in the case of some items that had been

allowed to lapse. They had been voted in the estimates of the previous year, but were not used within the year and were allowed to lapse, and the Government could not revive them by Order in Council, and consequently they issued a Governor General's warrant for these amounts. Here is what Sir John Macdonald said about it. He quotes the very same section of the law as has been quoted by my hon. friend and which was discussed yesterday, and he goes on to say :

> The whole meaning of the clause referred to an unforeseen emergency, like that in St. John, where the fire swept away the public buildings, or the case of an inundation by which the canal locks were swept away, so that the minister could honestly state that there was an urgent and immediate necessity for the expenditure. But this was an attempt to set aside the authority and control of parliament, because the money had run out. Suppose that instead of any one of these votes being lapsed the whole of the money had been expended and some of the work had been unfinished, would any hon. gentleman or constitutional lawyer contend that because the estimate voted by parliament was insufficient, the government could issue a special warrant to finish those works? That was not the principle upon which such votes were made. It would make parliamentary control a farce, and worse than a farce.

The hon. gentleman goes on to point out the utility of this safeguard against extravagant expenditure on the part of the government, and continues :

> It was to prevent the government becoming despotic, because they had a majority behind them, that these statutes were passed. So much was that the fact that, as they all knew, in a similar case the British parliament was not satisfied, the Chancellor of the Exchequer was not satisfied, the British parliament would not allow him to be satisfied by a subsequent insertion in the estimates of the next year of the authorized expenditure of the government. In such cases there was an Act of Indemnity introduced, such as was introduced by the late government of which he had been a member, to cover the expenditure which they were obliged to make between the 1st July, 1867, and the first session of the first parliament of the Dominion of Canada.

Here we had a case in point; the first parliament of the Dominion of Canada did not meet for several months after the Confederation Act came in force. There was no parliament in Canada until October of that year, and there were no supplies. The government provided by Governor General's warrants in that case, which certainly was an extraordinary one, and one which it was impossible, I suppose, to have provided for, and yet parliament was obliged afterwards, notwithstanding the Governor General's warrant had been issued, to pass an Indemnity Act to legalize what had been done. I submit that to my hon. friend, and on further consideration and consulting authorities such as the one I have quoted I am satisfied he will change his mind. Sir Richard Cartwright followed, in 1878, and said :

> While admitting generally the correctness of the principle contended for by the hon. gentleman, pointed out that there were cases of emergency in which all governments must depart from the rule laid down in the statute.

That is, there will come times when a government must break the law. That was the extraordinary argument set up by Sir Richard Cartwright. Sir John replied that he could hardly add anything after the admission made by the Finance Minister, so he allowed the matter to go. I submit to my hon. friend, in view of such eminent authority and the experience of the years 1878 and 1867, that the proper thing for this government to do will be to introduce an Act of Indemnity in order to legalize what has been done.

Hon. Mr. POWER—Would the hon. gentleman allow me to interrupt him for one moment? I think the hon. gentleman's precedents are a little stale. If the hon. gentleman will look at the speech made by the present leader of his party in 1887, and the speeches made again in 1891, when the subject of Governor General's warrants was up, he will find something much more recent and better authority.

Hon. Mr. FERGUSON—I have not the documents before me and cannot answer the hon. gentleman, because they are not here, but I rather cling to the opinion that if my hon. friend from Halifax who has just interrupted me compares what Sir John Macdonald stated in 1878 which I have read to you, with any subsequent utterance of his on that question, he will find there is not very much difference. Now my hon. friend as well as the mover of the address have claimed that that eminent parliamentary authority, Todd, sustains the view which they have taken in regard to the action of the late parliament with reference to voting supplies. In looking over that authority, I think this view is far from clear. I am quite free to admit that the general English

practice, when a parliament dies by efflux of time, or when ministers have lost the confidence of parliament and a dissolution is settled upon, is that full supplies for the next current year are not voted. That is the general rule which my hon. friend, the leader of the House, read yesterday, but there was a notable exception to that in 1868 in England, when the full supplies for the next current year were voted by common consent. The usual English practice is to provide such estimates, by common consent, before the separation of parliament, as will cover the necessary and ordinary expense of the country up to the time parliament usually assembles. That is the English practice and the adoption of that practice in Canada last year would have obviated the necessity for a session at this period of the year. If that request had not been opposed by the Liberal party in the House of Commons last winter we would have had supplies, and this session would have been rendered unnecessary. I say further that the Liberal-Conservative party in 1878, when the case was almost parallel with what it was last session—

Hon. Mr. SCOTT—No, no, you are altogether wrong.

Hon. Mr. FERGUSON—I am not wrong. The parliament was dying by efflux of time, as Mr. Todd puts it in his book. There is a foot note in Todd's work referring to the circumstance of 1878, and on the 6th of May of that year estimates for the year to be entered upon were agreed to by the House of Commons without any difference of opinion on the part of hon. members except as to the amount; and the full supplies for the next current year were voted by parliament, and the Liberal-Conservative party, when placed in the same position as the Liberals were placed last winter in the parliament of Canada, granted full supplies, and the result was it did not necessitate a session of parliament such as the one we are now having, and which will incur on the tax-payers of the country an expenditure of about half a million dollars. Yesterday the hon. leader of the Senate asked my hon. friend the leader of the opposition for the parliamentary references in regard to the voting of temporary supplies during the last session of parliament. Now, I have the *Hansard* in my hand, and if my hon. friend will turn to volume 2 of the *Hansard* last winter, page 7146, he will find Mr. Foster, speaking of the estimates for the next fiscal year, said:

> Mr. FOSTER—In the main estimates there are two items that I would like to have passed. What I want to ask hon. gentlemen opposite is to make it unnecessary that the House should assemble here in July and have a summer session, which is inconvenient and expensive as well. The proposition I would make to them is, if they cannot see their way clear to give us our working estimates for next year, to give us, at least, two or three months' estimates, in order that parliament may find it unnecessary to meet so soon. I think there is nothing unreasonable in that.
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> Sir RICHARD CARTWRIGHT—It is utterly impossible.

I say that in refusing two or three months temporary supply there was a complete departure from the English practice which, as I have already said, and which Todd shows most conclusively, is to grant temporary supplies, or limited supplies such as will be necessary until the usual time for parliament to meet. Parliament sits nearly the whole year round in England, and it is not necessary to vote the same amount of supplies as in Canada, but the proposition made by Mr. Foster if agreed to by the Liberal party of the House of Commons, would have obviated the necessity of this session, and would have saved the tax-payers of the country a large sum of money, and would have saved the members of both Houses the great inconvenience of leaving their business at this season of the year—having been engaged in the elections, almost since the rising of the last parliament—to come here and attend a session at this inconvenient season. For the expenditure incurred in consequence of the failure to vote supplies, for the inconvenience to members and the loss to the country, the opposition in the House of Commons last session must be held justly responsible. But turning just for one moment again to the subject of these Governor General's warrants, it certainly seems to me that if the government must violate the law, and must have recourse to Governor General's warrants, they should have been very careful in their applications for warrants. What do we find? We find by returns submitted to the House of Commons the other day for the month of July that one million and sixty-six thousand dollars odd were asked for. A warrant was obtained for that amount, and up to the time the return was laid on the table of the

House, only a little over $600,000 was used or accounted for. It is explained that a portion of the money is for letters of credit which have not yet been returned, and which will account for a portion of the money, but it is certain that a large sum was asked for, and that the sum is largely in excess of the expenditure for the month of July. Then, on the 18th day of the present month, only one day before the assembling of this parliament, they applied for and obtained another Governor General's warrant for another million dollars, which is also in excess of the requirements of the month of August. Here we have, one day before parliament meets, the control of this one million dollars taken out of the hands of the representatives of the people and taken hold of by the executive of the country. Remembering, as we very well do, when our friends were in opposition the strong objection they raised to the government of the day using this power, it is very remarkable that no sooner are they placed on the rreasury benches and entrusted with power than they use it, and, I think, contrary to law, and use it in excess of their immediate requirements; and as the House was so soon to be in session, if they were short of any amount it could easily be obtained from parliament within a very short time after the opening of the session. In looking over the speech with which we were favoured at the opening of the session the other day, it has been the subject of general remark that it absolutely contains nothing. We have been called for the purpose of voting supplies and nothing else. It seems to me that the honourable Minister of Justice proves too much. If it was so eminently proper on the part of the government to issue Governor General's warrants for a round million dollars in the month of July and another million dollars the day before parliament met in the month of August, it would be just as proper for them to have gone on for two or three months longer and obtained all the money they wanted for carrying on the business of the country in the same way. Certainly, I think if they can satisfy the country that they have acted constitutionally and legally in issuing these warrants in July and August, they would have been able to satisfy the country had they made similar provision for two or three months following. In view of the half a million that would have been saved to the country, they would have been justified in going a little further and obtaining a few millions more to avoid the necessity of this extra session. That is if the Minister of Justice is right in his view of the law. But we are told there is to be no measure of importance, beyond the voting of these supplies, submitted to parliament on the present occasion. The operation of the tariff is going to be made the subject of careful inquiry during the recess, with a view to the preparation of such a measure as may, without doing injustice to any interest, materially lighten the burdens of the people. Now, in connection with that, I would refer hon. gentlemen to a speech made by the Hon. Mr. Laurier, the Premier, at St. Johns, Que., in July. He says:

> Nothing will be done in this direction during the coming session which will be exclusively devoted to the voting of supplies. The following session will probably take place in January, 1897, and ere then, the Hon. Mr. Fielding will have put himself into communication with the managers of the country and in fact with all sections of the people and will bring down a tariff that will, besides giving sufficient protection to the industries of Canada, lighten the burden of taxation which weighs too heavily upon the masses.

Now, I submit that this declaration is not at all consistent with the expressions of the Liberal party up to the date on which the elections were last held. They have been varying their policy during the last eighteen years that they have been in opposition: one day it is a revenue tariff, another it is free trade as it is in England, then it is commercial union and then unrestricted reciprocity, and then they come back to free trade and to a revenue tariff; but I have understood from the remarks of the hon. gentlemen who have addressed the House in the interest of the government, that their policy is to be a revenue tariff. I submit that this declaration of the Premier, and the speech we have had from the Throne, do not at all indicate the passage of a revenue tariff. If a revenue tariff is to be the policy of the government, it seems to me it is not at all necessary to consult the manufacturers or any other section of the people with regard to it. If revenue requirements alone are to be taken into consideration, it is not necessary to go round the country consulting these people, and this occupation and this industry and that industry. All that has to be done is to hew close to the line of revenue requirements, let the chips fall where they may, but as

soon as you begin to try to spare industries and to build and encourage others, you admit the principle of protection. Mr. Foster, when Finance Minister, in the other House, a year or two ago, gave a definition of the difference between incidental protection and protection, between a revenue tariff and a protective system, and I think, if I heard the mover of the address aright the other day, he agreed with Mr. Foster's definition, as also did my friend the leader of the Opposition. Mr. Foster said :

The difference between a revenue tariff and a protective tariff is not that there may not be in both an incidental protection, but that in a purely revenue tariff that protection is simply incidental and not designed ; whilst in a protective tariff it is designed to be a protection and is put upon the statute-book for that purpose.

I think it is a clear indication that there is to be an entire departure from the principles of the revenue tariff which the party have been announcing since the elections and some time before the elections, although free trade, pure and simple, as they have it in England, was the main plank of the party—

Hon. Mr. SCOTT—Never, never.

Hon. Mr. FERGUSON—The hon. gentleman shakes his head, and I presume he shakes it sincerely, and I suppose he is speaking his convictions when he says his party did not go for free trade as they have it in England, but I do not think my hon. friend travelled through the country during the elections, because if he had he would have heard something quite different. Down in the coal area of the Maritime Provinces the candidates of the Liberal party declared for protection for coal. In another part of the country the changes were rung on the great advantages of free trade over protection, while in the city of Montreal, as every hon. gentleman knows, the leader of the government himself declared that the policy of the party would be to have raw materials free, including coal and iron. I am sure my hon. friend the Secretary of State when he dissents from what I have said, is speaking what he feels, and that he is expressing his own experience with regard to the policy of the party ; but, unfortunately, most of us will agree that my hon. friend, when he says that, cannot speak for the representatives of the party in many of the other provinces of Canada. Now, if time permitted, I might turn up declarations of Liberal gentlemen to show that a revenue tariff was the platform of the party, adopted, for instance, at this convention to which a reference was made. It is not necessary to take up the time of the Senate in reading these things. Most gentlemen are familiar with them, but at that convention the Hon. Mr. Laurier made use of these words :

I say that the policy should be a policy of free trade —

Here my hon. friend was evidently upon pretty safe and sure ground, but when he spoke in St. Johns, Quebec, about sending Mr. Fielding through the country to consult the people, it is plain that he has more than revenue requirements in view, and he is to consult these parties to see how far it is possible to protect them in a tariff framed by the Liberal party :

I say the policy should be a policy of free trade such as they have in England, but I am sorry to say that the circumstances of the country cannot admit at present of that policy in its entirety. But I propose to you that from this day henceforth it would be the goal to which we aspire. I propose to you from this day, although we cannot adopt the policy itself, to adopt the principle which regulates it ; that is to say, that though it should be your misfortune for many years to come to have to raise a revenue by customs duties, these duties should be levied only so far as is necessary to carry on the business of the government. I submit to you that not a cent should be extracted from the pockets of the people except every cent goes into the treasury of the people and not into the pockets of every one else. Let it be well understood that from this moment we have a distinct issue with the party in power. Their ideal is protection, our ideal is free trade. Their immediate object is protection, ours a tariff for revenue only. Upon this issue we engage the battle from this moment forward, and I ask you once more never to desist until we have achieved a victory.

Then the leadership was divided in the Liberal party before the elections. My hon. friend Mr. Davies was leader in the Maritime provinces, under the general leader Mr. Laurier. After the holding of the convention in June, 1893, Mr. Davies went to Middleton, N.S., and made a speech, which I have here, carefully reported, and revised, I have no doubt, by himself. It was published some weeks after its delivery. He says :

In ordinary times the difference between political parties are frequently those between the "ins" and "outs," but there comes times when little party issues disappear and the great historical par-

ties of the country divide upon some vital issue which affect not the present but the future interests of the people. To-day the people of Canada stand face to face with such an issue, and the next contest is to be one between free trade and protection.

Now my hon. friend the Secretary of State, when he shook his head in dissent a few minutes ago, could not fairly make that dissent apply to utterances of his party in the part of Canada to which I belong:

What are the policies of the two parties? The government say to you we will give you tariff reform, but it must be on the lines of the protective tariff. Whatever else we may change that principle must be preserved sacred and intact. We will reform the tariff. We will change the incidence of the duties, but will never consent that the old policy be given up, modified or changed. The policy of the Liberal party on the contrary is the reform of the tariff by the elimination from it of every vestige of protection.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. FERGUSON—He continued:

In our convention platform we denounced the protective system as unfair, unjust and burdensome. We arraigned it for being the author of many of the evils under which Canada is suffering to-day. We charged it as being largely accountable for the frightful exodus of our population, which is the dismay of our more thoughtful minds. We say that to it may be credited in a large measure the depreciation of the value of real estate throughout this country. We say the stagnation of trade, the hard times which are felt everywhere can fairly be attributed in a large measure to this policy and we demand its elimination from our tariff and the return to those old free trade privileges under which Canada was brought up and for so many years prospered.

And I may quote a speech of Sir Richard Cartwright to the same effect, and also another speech by Mr. Davies in 1893, when he said this system of protection was "a cursed system," and when Mr. Foster checked him for cursing he said, "Yes, cursed by God and man." What do we find to-day? We find the hon. Premier of Canada, speaking at St. Johns, declaring that his Finance Minister will go over the country, and consult the manufacturers and all other classes of people, in order, as it says in the speech, that no injury will be done to anybody in the formation of the tariff, which means, in other words, that the protective principle is still going to be recognized in the re-framing of the tariff. If these words do not mean that, I am not able to understand plain English. Now, if the principle of a revenue tariff is going to be applied, why delay a couple of months in order to bring about that result? As I said before, it is not necessary, if that is the principle to be followed, to go round consulting anybody. The only great objects to be considered are the burdens that it is proposed to be imposed on the tax-payers, and the productiveness of the tax. These are the only two considerations, and I cannot see why it would be necessary for the Finance Minister to make excursions through the country and take up his time consulting manufacturers or any other class, if it is proposed to adopt a revenue tariff. And why this delay? If we are right in understanding the government to adopt the revenue tariff, why this delay? I admit, if a protective tariff is going to be formed, if we are going to have the tariff changed, but the principle of protection is to be retained, of course, it is necessary to proceed with care, and consult the manufacturers and agriculturists, and other classes of the people; but if revenue requirements is to be the sole and entire consideration, there is no necessity for this delay. The tariff might be submitted to us, and the changes brought about during this session. I say that the delay is unnecessary, and we admit cheerfully and freely that all delays of this kind are injurious. We admit that the delay in the readjustment of the tariff some years ago by the late government did work injuriously, but owing to the principle on which the tariff was proposed to be adjusted, maintaining the protective system, it was impossible that it should be done in a hurry. As the protective principle was to be recognized, the manufacturing interests had to be consulted and great care had to be taken, but in the present instance, if the protective principle is not going to be recognized, I submit that the tariff should be dealt with at once, and this delay, which is so injurious to the country, should be prevented. Now I will show hon. gentlemen what eminent authorities of the Liberal party thought of this delay in 1893, and what they thought of sending round the Finance Minister to consult the different industries of the country. Sir Richard Cartwright said then:

Over and above all the hon. gentleman has been good enough to say that a grand progress is to be instituted. Is it to be by caravan or Jamaica car, Mr. Speaker? Four Cabinet Ministers, no, two

Cabinet Ministers and two apprentice boys will peddle old taxes for sale about the Dominion. Old taxes for sale, that positively is to be the policy of the hon. gentlemen.

Now that appears to be the policy of hon. gentlemen opposite on the present occasion. They are going to send Mr. Fielding about the country, but it is not stated whether he is to be accompanied by the controllers. They are to cease to be apprentice boys and to become full-fledged ministers. Sir Richard Cartwright says:

The hon. gentleman proposes during the whole year, if he really means what he says, to unsettle all trade, to unsettle all manufactures. Nobody is to know where he stands until the hon. gentleman and his colleagues have completed their pilgrimage, and until a sufficient number of the old taxes have been sold. But, sir, if the hon. gentleman does not mean it, if all this is simply a device to gain time, if there has been a private arrangement with certain protected manufacturers that they need not disturb themselves, that this will all come out right, that it will be managed in such a way that their interests at any rate will not suffer, then I venture to say a greater farce was never played off on any country than the proposition of the hon. gentleman to take a whole year and carefully consider what the Finance Minister ought to be able to advise the country on to-day.

Then another eminent gentleman, who is now Controller of Customs, Mr. Paterson, said:

I have noticed the government supporters have been insulted as I thought in many ways. * * If there ever was an insult rendered to members of parliament it is rendered to them now in the plan he has just declared he is going to pursue. Why not consult the members of this House? * * * But no, he declares in fact that they are not able to guide him in this matter, that he himself will associate with himself three other experts, and that during the recess they will ascertain the state of the country and what the duty of the government is. These four gentlemen will do what? They will make a personal inspection of the different industries of the country. I trust they will do that in a proper manner if they will undertake it at all. Does the hon. gentleman know the task he is undertaking? Does he propose when he says that only to select two or three or a dozen manufacturers and ask their views and learn from them what the government ought to do in the best interests of the whole country.

Mr. Paterson then goes on to show that there are 75,000 odd industries in the country, and if the minister will consult with all of them he will have to visit 252 factories per day. That was the task that Mr. Paterson set for Mr. Foster. Now they propose to send their own Finance Minister round on a similar errand in order that injury shall be done to nobody in the framing of the tariff. Mr. Paterson continues:

How about getting the views of the men, the artisans who are workers in these factories? Is no time to be taken to have these men, whose interests are just as dear to them, whose rights are to be maintained by a righteous government as much as those of the men who employ them? What about the great agricultural class? Are they to be heard? Are they to have time to present their case? * * * Business men of the country and manufacturers cannot tell what is to be the policy and what changes are to be made by the government. I venture to say the hon. gentleman has unsettled business and has created a feeling of disquiet and fear, if not panic, throughout the length and breath of this Dominion.

This is what Mr. Paterson said less than three years ago with regard to the course then pursued by the Conservative government in delaying the readjustment of the tariff and then proposing to consult the manufacturers and agriculturists and all other classes of the country. If this was true then—if the argument was sound then, it is equally true and sound now. It is very much more in point now, because, if my hon. friend the Secretary of State is right, that the idea is to frame a purely revenue tariff, there will be much greater changes following the new tariff than the readjustment of three years ago, and business men and manufacturers will be affected in a far greater degree by the proposed changes now than they could have been by the changes in 1893 and 1894. With regard to these changes in the tariff, I submit to hon. gentlemen a few figures with regard to the Nova Scotia coal mines. The Finance Minister comes from Nova Scotia. He has been the premier of the Nova Scotia government, and that government has benefited, as a government, from the operations of the National Policy more than any other government in Canada. In 1872 the royalties received by the government of Nova Scotia from coal were a little over $64,000 In 1878, under the Mackenzie government and the tariff then in existence, this amount had fallen to $42,859. There was a decrease of $21,000 in the royalties received by the provincial government of Nova Scotia for coal. In 1894, the amount of royalties had risen to $209,330—increased by nearly 500 per cent under the national policy. I am sure I speak the opinion of the present premier and members of the Nova Scotia government when I say that they have invariably assured the people down

there that no part of the Liberal policy would be to remove the duty from coal unless free access could be got to the markets of the United States. I know that has been the steady declaration of these gentlemen. The provincial government, of which Mr. Fielding was premier, has profited to the extent I have shown by the development of the coal industry, which is due to the National Policy. During the five years that the Mackenzie government was in power the coal industry dwindled down, as the amount of the royalty derived from it plainly shows, while during the 18 years since, there has been a remarkable development, from which the Nova Scotia government has largely benefited. There is another matter on which they have assumed conflicting attitudes, and it is to my mind a very interesting subject, and I do not think that hon. gentlemen opposite will have any objection to give me an explanation. My hon. friend, the Minister of Justice, as premier of the province of Ontario, some two or three years ago, put the sum of $25,000 in the estimates as bounties for the production of iron in the provivce of Ontario. The subject was discussed in this House and my hon. friend, the Secretary of State, when the matter was brought up here, did not hesitate to say that it was a piece of folly. I am not going to settle which of these hon. gentlemen is right in regard to the matter. I suppose the $25,000 estimates for iron produced in the province of Ontario was a youthful indiscretion on the part of the Minister of Justice, and that his folly will cease with his youth, and that he will not continue foolish in spite of age and experience, and his contact with my hon. friend, the Secretary of State. References have been made to the complexion of the Cabinet in the various discussions with regard to the present position of public affairs, and the address usually furnishes (although there is not much in itself) a wide range for discussion and the complexion of the government properly comes in for consideration at this stage. I must say a most extraordinary course has been pursued in the formation of this government. The premier has not selected his colleagues altogether from the ranks of the men who had fought side by side with him in the political arena of the Dominion, and who had been before the country as Dominion public men. He has, to a large extent, departed from that rule—has passed over these men, and after the elections were found to be successful to his party, has filled important places in his Cabinet with men who had not been before the electors and who could not have been anticipated by the electors to be members of a Cabinet if the party succeeded. I do not think this was right to the electorate. When the people of the country go to the polls, they not only vote on the great questions before the country, but also vote, to some extent at least—I daresay to a very large extent—in accordance with the estimate they form of public men that are seeking their confidence. It was natural and right that that should guide the electors to a large extent, and it is but fair to assume that the people of Canada, in giving the votes they did give, assumed that in the formation of the government to rule the country for the next five years it would be composed largely of men who are not the men selected by Mr. Laurier. I do not think he was acting constitutionally and it was not doing justice to the electors of Canada. But there is another objection, and I think it is a very strong one—that is, that the premiers of the different provinces should be, as I fear was the case in the present instance, induced to exert the influence of their administrations to procure their own personal advancement. Indeed, I have seen the statement made not long ago as early as the Ottawa convention of 1893 that it was settled in the minds of the leaders of the party that Mr. Blair and Mr. Fielding should be taken into the Cabinet if the Liberals reached power. It is an undesirable, almost a dangerous state of things, to our federal institutions that we should have provincial premiers, with all the power and prestige that their governments possess behind them, working, no doubt in their estimation for the public good, but with this reward before them, that if they succeed they will be taken out of the provincial arena and made members of the Federal Cabinet. We know that in the Maritime provinces, in some of them at least, extraordinary influences were exercised in the federal elections by the provincial government and it leads to the belief on our part that this extraordinary effort made by these premiers and their colleagues was intensified to a considerable extent by the belief that they would themselves benefit by a change that would be brought about if their party

succeeded to power. It is a pity that such a thing should be done. I cannot refrain from expressing my satisfaction that this wholesome rule was not departed from in the province from which I come, and that Mr. Davies was taken into the Cabinet to represent the province of Prince Edward Island. In that case Mr. Laurier did what was right. There was no other man of the Liberal party in the province at all entitled to the position in the same degree that Mr. Davies was. So far as Prince Edward Island is concerned, there is no reason to complain, but in the cases of Nova Scotia, New Brunswick and Ontario, an entirely different rule has been followed, and I think it is not just to the people. The perpetuation of any such thing will strain our federal system more than anything else I have in view at the present time. I do not think it is necessary to make much reference to the Manitoba school question on the present occasion. I have not much fault to find with what the Minister of Justice has said with regard to questions of creed and race generally. One party or the other may have been blamable in the past with regard to bringing these questions up. I have nothing to say as to that, but I must say, as far as this Manitoba question is concerned, it had been forced into the federal arena by the action of the Liberal party in the province of Manitoba, and it was kept there and perpetuated by the Liberal party generally. It is a matter of very great regret that such should have been done, and there is grave reason to fear that there has been an understanding from first to last between the federal members of the Liberal party and the government of Manitoba with regard to that question. What did we see the other day? Statements have been made in their press that the matter is practically settled—not exactly confirmed by the statement of the Minister of Justice in this House—but we see these statements renewed, and strongly renewed, and we have seen Mr. Sifton's statement, that a basis was arrived at and the question was practically settled. Can it be that this question, for which no solution could be found from the time the Manitoba School Act was passed in 1890 up to the present time, can be settled by an agreement between the new Federal Cabinet and representatives of the Manitoba government in a very few days? If such is the case, if the commission which has been so long promised is not to be appointed and it is found that these gentlemen can come together and effect a settlement satisfactory to all parties—that is what I suppose is meant by a settlement—it will be a very severe reflection, to my mind, on the politics of Canada. It will show that this question was initiated and kept open year after year for the purpose of embarrassing and driving from power the political party that had so long ruled in Canada and had been so satisfactory to its people for a long term of years; and in the confusion and excitement consequent upon this school question this party was driven from power and another party comes in; and if it is found that the government of Manitoba will yield to them at once and settle the question on a basis satisfactory to all parties, though it is a good thing for the public as a whole, it is a deplorable thing in view of the character it will give our politics in the eyes of the world. I trust the question will be settled. Every man who desires the good of the country cannot help wishing that it can be removed from the arena of federal politics as soon as possible, but I have no hesitation in recording my own belief that the candid historian of the last six years will be constrained to record some very severe facts against the character of the men who brought this question into federal politics and kept it that way for so long a period of time.

Hon. Mr. BOULTON—I have always taken advantage of the debate on the address to discuss public questions that are before the country because an opportunity is afforded to those who discuss them, without being confined in their limits to the exact form in which the speech of His Excellency may be presented to the House. Before commencing to make any remarks upon the public questions of the day I desire to unite with those gentlemen who have already spoken in such sympathetic terms of the late Sir David Macpherson and the late Mr. Read who have been taken from us since the last session of parliament. I cannot add anything to what has already been said of their character and the great political experience that they brought to bear upon the country during their life time. They were among the original appointees to this honourable House, and ever since confederation the country has had the benefit of their

large political experience and business sagacity, with all the advantages that flowed from it. I should like to add to the name of those two honourable senators who have gone to their last rest the name of my old friend, Mr. Monk, one whom I may say has been a familiar figure on Parliament Hill for so many years. He was carried away very suddenly during the last week, and as a personal friend of mine I desire to put upon record my high appreciation of his high personal qualities. I also desire to refer with great satisfaction and pride which I feel assured that every Canadian will feel in the success that Canadians have met with during the past year in the athletic sports of the world. They have carried off prizes in every quarter and every phase of athletic life. I am sure there will be a glow of pride in the minds of every Canadian who appreciates prowess in all these walks, especially Canadian marksmanship in the winning of the Kolapore cup at Bisley and the winning of the Queen's prize and other prizes by the artillery of Canada, by the presence of the fire brigade of Montreal, who won eulogistic praises from the people of London for the excellence of their attainments in their sphere of activity. Then we had the city of Winnipeg send a four-oared crew of young oarsmen down to Halifax and to Brockville and to Saratoga, and at every one of these places they came off victorious as champions of America. Then again, within the last day or two, a yacht built and manned by the young men in the city of Toronto, running against a yacht built and manned in the city of Chicago, on two successive days has been successful in carrying off the prize for which they were challenged to run, and Commodore Boswell, of the Royal Canadian Yacht Club, deserves our congratulations for its success. The "Glencairn," of Montreal, took an ocean voyage and carried off the championship of America in the half rater competition in yachting circles. I might mention other instances, but these are prominent of the vigour of our race, and these young Canadians are the forerunners of those who will make Canada famous in the history of the world. The conditions under which we meet to-day, honourable gentlemen, are somewhat different from the conditions under which we met here two or three months ago. Since that time we have had a general election and there has been what is termed a complete turnover and members who sat on the left of the Speaker for so many years are now sitting on the other side of the House. In consequence of the formation of the Senate it has not been necessary for every one to change their seats, but the leading members of the government have come over to take their seats on the right of the Speaker as the leaders of this House in giving forth the government policy. I may say what the leader of the House has already said with regard to the Senate, I feel sure will be reciprocated by every member of this body, and that the spirit as applied to the statutes or legislation to be brought up for passage in this House from the Lower House, or the policy of the country, will not be received by this House in a contentious or partisan manner, and he will feel just as comfortable in his seat here with a Conservative majority against him in conducting the affairs of the Senate as if he was sitting with a large majority at his back. That is the experience that I have gained of this House in some seven or eight years. I think the Senate is highly honoured in having in our new leader, one who occupies such a high position in the minds of his countrymen, placed at the head of the present government in this House. We can appreciate the confidence he has reposed and the words he has used in commendation of the Senate as part of the constitution of Canada. While reforms are always in order and should always be kept in view, yet the reforming of a body of this kind should be very mature and not undertaken without judgment; its independence and legislative experience is its value, and the idea of abolishing the Senate is not one that would commend itself generally to the public. So far as I have seen myself, I have seen the great value in the working of the Senate, although its value does not appear to the country the same as the workings of the House of Commons. It does not receive the same notice in the public press, and any notice that it does receive sometimes is not very complimentary. Under these circumstances we cannot wonder that it is not made so popular in the public minds as the other House. But we feel perfectly confident that it is a valuable and necessary adjunct to the legislation of the country and to its constitution. Before proceeding with my remarks which are generally couched upon the merits of free trade, I should like to offer my congratula-

tions to the leader of the Government on his accession to office. He has been in opposition for the past 18 years. He has been for a great many years leading the opposition, and to-day he has received the merits of a long service to the country in the cold shades of opposition by being placed at the head of the country. I feel quite sure from his character and ability that he will do justice to the position he occupies, that he will be judged by the merits of the policy that he advocates and the faithfulness with which he carries out the pledges he made to the country on attaining office. In advancing towards the principles of free trade I can assure him, so far as any support I am able to give, it will be given most heartily and cordially. I have long felt that the abolition of protection is an absolute necessity for the safety, welfare and prosperity of the country. I have also felt that there is no medium between free trade and protection, and that it is impossible to run with the hare and hunt with the hound, and for that reason I have nailed my colours to the mast for free trade and will do my best to continue to advocate those principles and point out those ideas in order that they may as rapidly as possible be reached. For that reason it has been a source of gratification to me that the present government has taken its place at the head of affairs as opponents of protection. I think myself it is generally conceded that they have presented to the country a strong government. It cannot be denied by the present government or by the country generally but that the people have shown themselves to be Liberal-Conservatives. The voting that has taken place I think shows that pretty clearly. When confederation was first established in 1867 the party was formed into a Liberal-Conservative party. Sir John Macdonald in order to bring about confederation united the two political parties that were at that time existing and formed what is called a Liberal-Conservative party. With the exception of five years during which the Liberal party were in power that Liberal-Conservative party has been in power until the present moment and it is possible that it would have continued in power if the past government had not gradually abandoned the liberal principles of their party and adopted ultra conservative principles. Their legislation was altogether conducive towards class interests as against the interests of the people, and they have gradually drifted further and further back, becoming more and more conservative in the hands of what is called the monopolies of the country rather than in the hands of the people. They fell a victim to the principles or want of principles in protection which are inseparable from the purchase and sale of legislation, a commercial system that will undermine the best regulated political family in the world. For that reason the country has decided against them; but, as I said before, there are clear indications that while the Liberal government is now in power that Conservative element which has always been manifested in the government of the country is still present in the minds of the people, and I think in our worthy leader here, from the utterances he has put forth, we have assurance that this conservative principle will be preserved, so far as he is concerned. What makes me say that the country is to a large extent still Liberal-Conservative in their views is the fact that the plurality of votes in the last election, according to a calculation I read, were 413,000 for the Conservative party, and 397,000 for the Liberal party, and 80,000 of an independent vote. Now, while the Conservative party cannot claim any comfort from that vote presented to the people in that way, because the 80,000 of the independent, uninfluenced by the ties of either party, were opposed to the policy of the late Conservative government. But while they were opposed to it in that way they took an independent position in order that they might watch from an independent standpoint the proceedings which would take place when the new government took the reins of office. For that reason I felt myself that it is possible that it will cause the present government to toe the mark more closely in the conduct of affairs, and also to be more particular than it might otherwise have been, if the majority had been overwhelming on their side, in carrying out the pledges and principles on which it is generally understood they have attained to power. Now, in the past election and for some time, I have ranked myself among the Patrons of Industry. In the stand I took in the last election I allied myself with the Patrons of Industry, which is an organization of the farming community. And while I do not pretend to be in accord with all the

views that are expressed by the organization, or with the course they thought wisest to take as a political party, yet my sympathies were entirely with them in the efforts they were putting forth. They are, as I said before, an organization of farmers, though as yet without much political experience. The farming community, although in a vast majority in the country, are in a minority in its legislative power, and while, as I said before, I do not altogether approve of their becoming a distinct political party, yet I certainly think that their influence in the councils of the country should be much greater than it is. The industrial population of Canada numbers 1,320,000 souls. That is the industrial workers—the males over 15 years of age. In that is not included the females, such as domestic servants and women and children working in the mills; but the industrial workers of the country are 1,320,000 males. Of that population 620,000, or exactly one-half, are connected with the soil; so that the farming community numbers 50 per cent of the whole of the industrial population of the country. The rest of the population is made up of the various professions, the manufacturers, trade and transportation, labourers, etc., and of the whole of that industrial population the farming community numbers one-half. Now, in the representation that has been sent to parliament during this late election, we find that there are 63 lawyers as representatives of the people, and in drawing public attention to that fact I do not desire to cast any slur upon the attainments of our professional classes. I forget exactly as to the others though I saw the figures—the number of doctors, the number of merchants and so on; but of the 215 representatives to parliament for the ensuing five years, only 33 farmers have been returned. Now while the farming community represent one-half of the whole industrial population of the country, they have only been able to send 33 of their own number to the legislative halls of parliament to represent the agricultural classes, I say, hon. gentlemen, that there must be something wrong, there must be something either wrong with the farmers themselves, with their education or their capacity, or there must be something wrong in the mode in which the conventions are conducted which throws the influence and power into the hands of the people who live in the towns rather than in the rural districts. The party system which narrows the choice of the people to two candidates has mostly to do with that particular state of affairs and in order to avoid and to change it, as I said before, the Patrons of Industry have formed an organization for the purpose of remedying that grievance, remedying what I consider to be an evil because it is an evil. The people with the greatest capacity in Canada I believe may be found amongst the farming community. They are the guardians of the soil, which is the backbone and safety of the country. They are the producers of the largest amount of wealth, and the majority of the exports is the product of their industry, and in every way they are entitled to a greater representation at the hands of the people of Canada than is presented to us in the election of only 33 out of 215 members, and for the purpose of remedying that, as I said before, this organization was formed. Thirty-three is the influence they are able to wield in the caucus of the parties which determines their policy. In a caucus of their own organization they are not dominated by those powerful influences that control parties under protection. In order to assist them and show my sympathy in regard to that, I took my stand with the Patrons of Industry, being as well closely identified with the farming interests of Manitoba. They certainly were not very successful in electing representatives, because they were fighting their way between two old organized parties and it was an uphill work. But at any rate they showed their strength and they have induced a certain amount of respect for themselves in so far as they have shown that they can control the balance of power in the constituencies where they have placed their candidates. Where there were three candidates it has unsettled the representation and made a material difference I have no doubt in the return of the members of parliament. It is only for the farmers generally to recognize that this association is of some value to themselves, and when they ally themselves more generally with it then they may expect to increase their representation in parliament and when they do so I think that the parliament of the country will be greatly advantaged by it. Now, Mr. Speaker and hon. gentlemen, I cannot agree with those who have found fault with the Hon. Mr. Laurier in the utterances he felt it advisable to set forth with regard to

the deepening of the canals and his reference to the fisheries. I think that the utterances that he gave to the public through the interview, which has been made a part of the legislative records of the country in so far as it was read out in the House of Commons and has been constantly referred to, were very timely. What do we find at the present moment? We find the Marquis of Salisbury and the Secretary of State of the United States engaged in trying to mature a plan by which international arbitration can be brought about in place of war when vexed questions arise. The question is of very great interest to every one in the English-speaking world. We find at the same time that Lord Russell of Killowen, the Lord Chief Justice of Great Britain, has made his visit to the United States a mission of peace with the same object in view, and has expressed himself in the city of New York in the same manner. It is certainly only an act of graciousness and courtesy on our part to hold out to the people of the United States the same feelings of friendship that are now being displayed between these two great leading nations. So far as the deepening of the canals is concerned, it is a question that is looked upon with great favour in our western country, and, apart from the view that I had expressed upon in regard to Mr. Laurier's utterances, it would be only my duty to support him in the effort towards deepening the canals of the St. Lawrence River. What we require in our western country is cheaper transportation and greater facilities for getting rid of our produce, and I can see no difference between deepening the canal by a joint action on the part of the people of the United States and the people of Canada—I can see no difference from the position that we occupy to-day, because two-thirds of the produce of the North-west Territories and Manitoba goes through the Erie Canal by way of New York, and if we can improve our channel of communication, if we can change the policy of our coasting trade so that that communication and that great western trade can be diverted to our own country I say so much the better. So far as resigning our sovereignty or giving up our rights to our canals or anything of that kind is concerned, I do not think that should weigh in the matter. We have precedents in other countries where the same conditions prevail. We see that the River Danube, which goes through one or two or three States, is made free and common to all. We see that the improvements on that river are placed in the hands of a commission. The government of Great Britain gave a loan of $750,000 towards the improvement of the channel of the River Danube, and the channel was deepened from 9 to 20 feet at the mouth so that the ocean trade can penetrate those States. It seems to me, hon. gentlemen, that that is somewhat of a parallel case to the present one.

Hon. Mr. MACDONALD (B. C.)—On what security was the loan made?

Hon. Mr. BOULTON—Upon the security of the improvements. I believe the improvements were in the hands of a commission. A small toll was charged in order to pay for the cost. I cannot tell exactly what the returns are, or how it has turned out financially. All I can say is that Great Britain joined with the other foreign countries in making these improvements to open up the River Danube, and the trade was distributed through it to other parts of the world.

Hon. Sir MACKENZIE BOWELL—Does not the Danube run through two or three states or countries?

Hon. Mr. BOULTON—I think it runs through two or three States—Austria, Turkey, Servia, etc.—but some of the states are small in comparison with our country here. I think there are many other instances in which the riparian rights of those who reside behind may be considered in the question, and in discussing that question we can discuss it from the standpoint of the interests of the country. I think what we should endeavour to do is to regard our neighbours as natural friends and not as natural enemies, and if we work on those lines I think it will redound greatly to the benefit of Canada in our trade relations and in the progress of the northern half of this continent generally. The water way by the St. Lawrence River is a magnificent one, but it wants improvement. At the present moment we have only a depth of nine feet in reaching the seaboard, soon to be completed to fourteen, which we hope will draw a large share of the ever increasing trade of the west. There are magnificent lines of steamships of large

tonnage on the upper lakes which cannot go any further than the city of Buffalo, but if a canal system was projected on the basis of a ship canal, the industry of our lake region would be stimulated. I do not say that it is possible to do so at present, it is a thing to be considered in the future; it is not one that can be taken up with the greatest ease, but at the same time it is one that I say may be fairly made a subject of consideration between the two nations with great advantage, and introducing it in the way the hon. leader of the government did I think would certainly redound to the benefit of the country and only be carrying out the policy that was inaugurated by the late government when they appointed a commission for the purpose of bringing about this very result, and I feel sure we will all await with interest to see what the report of the commission that is now sitting will be upon the matter, upon its feasibility and practicability and all the information with regard to the grain and produce of that great western country and its mode of egress to the market of the world. Now, hon. gentlemen, I won't dwell upon that question of the warrants. It has been ably discussed, but I cannot help thinking that the issue of warrants by the present government is quite an exceptional necessity. The late government carried the legislation up to the last moment fighting to get the Remedial Bill through parliament, and it became impossible, as parliament ceased to exist upon a certain date, to consider the matter of voting supplies, and it would be impossible to go on to the end of the year issuing warrants for the whole of the expenditure of 1896 between the 1st July and 31st December. Therefore I think it is quite an exceptional case. Without thoroughly understanding the constitutional merits of the case at all I certainly think that the government, in order to keep the machinery of government working smoothly, had no other alternative, that there was no other course open to them except the course they took. It was impossible to go on issuing these warrants to the end of the year, and they had no other course to pursue but to call parliament together as they have done. When the late government were in a majority they failed to pass the estimates for the year, attaching more importance to the Remedial Bill. I must say I had a good deal of sympathy with the remarks made by the last speaker in regard to the question of forming a kind of political alliance between the various provinces and the Dominion in the formation of the government. I think that is a question that is fairly open to criticism. The political tendency of that, if followed up, would be towards federalizing the constitution rather than decentralizing, as we decided upon when confederation was formed. The hon. leader of the Senate to-day will recollect perfectly well that he was called in 1871 from the bench to take the leadership of the province of Ontario. The reason of that was that the Hon. Mr. Blake and the Hon. Mr. Mackenzie, who defeated the Hon. Sandfield Macdonald at that time, were obliged to make one choice or the other. The decentralizing of power as between the province of Ontario and the Dominion was determined upon then by the dual representation being done away with. Up to 1871 dual representation was allowed in Ontario; it is, I believe, still allowed in Quebec. That is to say, you were allowed to have a seat in the Provincial House and also a seat in the Dominion House; but it was felt in Ontario that was an unwise course to continue to pursue, and the dual representation was done away with. The Hon. Mr. Blake and Mr. Mackenzie selected the Dominion House of Commons for their political arena, and the hon. leader of the Senate with great advantage to the country was called down from the bench to take their places and to carry on the government of the province of Ontario. I merely recall that in order to show that the course that is now being pursued has the effect of changing that position because if the members of the provincial governments that are in alliance politically and in sympathy with the national government of the day are to be selected before the representatives of the national parliament it would certainly have the effect of intensifying our party system and subordinating the provinces through their governments to the influence of the Dominion government. I think most people will agree that party ramifications are too extended already, and are carried on to too large an extent at the present moment for the enlightment of the people Now, the hon. leader of the Senate, referred in his speech a few moments ago to the fact that religious cries were more prevalent before confederation than they have been since. Before confederation we

had the union of the provinces of Ontario and Quebec on what might be termed a federal basis. They formed one parliament, and the fact was that the religions were so nearly equal that there was a constant fight and religious factions had much more sway than they have had since that time and the confederation decentralized that. Let the province of Ontario or Quebec, the province of Manitoba and all the provinces carry out their local and provincial laws as they think best among themselves, and I feel convinced that after an experience of 27 years that it will be found to be the soundest basis upon which we can nationalize our people and our country. We should respect the constitutional autonomy of the provinces, and the provinces should respect and support the prestige and dignity of the national government if we wish to develop the sound principles of the British constitution on Canadian soil, and, through a unity of purpose, advance Canada to the dignity of a nation commensurate with its size and influence on this continent. I do not wish to imply for one moment that the leader of the government or the government adopted this policy with the end in view I referred to, but I wish to point out what is the effect and what might be the further effect of such a policy, if this was accepted as a precedent and was allowed to go without a protest. I think that where we have undertaken the government of this great country, which stretches from the Atlantic to the Pacific, upon the principles of self government, and to maintain it harmonious in its working, that it is utterly impossible for the people of Nova Scotia or Quebec to know exactly what are the principles that govern the province of Manitoba or British Columbia in their local laws or legislation, or *vice versa*. We are an extensive country with diversified interests and we must allow those diversified interests to be projected under local authority under the specified lines of the constitution as has been laid down and to that extent I agree with the remarks made by the hon. member from Prince Edward Island and feel that it is fair criticism to make, although possibly as I said before when it was adopted that end was not foreseen and probably that end was not in view. Now the hon. the leader of the government has referred very slightly to the school question and in fact he followed out the dictates of the speech which says very little, and he said very little either on the tariff or upon the school question. In so far as it gave him an opportunity to say something more with regard to the constitution and the formation and character of the Senate, I do not know that on the present occasion we have anything particularly to regret. We can wait with patience to know what is the outcome of the school question, which formed such a prominent feature in the elections which have just gone by. So far as the school question is concerned, I am sure it will be a cause of great gratification to every one if it is found that the question will be settled without any reference to this parliament. The question has been discussed thoroughly, but I do not know that it has been thoroughly understood. I have always taken the ground in this House, and I think it is quite proper to re-state the position I took in this House, so far as the facts of the case from 1869 down to the present time are present in my mind, and that is that the parliament of Canada has no constitutional power to annihilate or control the laws of Manitoba. They have no power to enforce any legislation they may put upon the statute-book for that purpose. Of course they have the power to put it on the statute-book, but when it is there it requires a legal power to force itself, and to make it available and as the constitutional laws of Manitoba constitutionally passed cannot be interfered with by the Dominion parliament, that legal force was wanting under the Remedial Bill of the late government. I think that is a foregone conclusion and cannot be gainsaid. I do not know that the question was put clearly before the people of Canada in the late election. The question was I fear rather kept in the foreground as a political question because it was a convenient question to rouse the minds and political ideas of the people upon ; but that is the constitutional position from my stand point. The Privy Council have stated that there was a grievance, and that grievance justifies an appeal to parliament. That appeal has been made and I think the limit of that grievance or the extent of that grievance should fairly be ascertained by an inquiry or by any other method before parliament can intelligently deal with it ; it is within the power of the parliament of Canada to remove it, but to remove it without interference with the constitutional laws of the province. If it is removed by the

action of the province of Manitoba itself without legislation in this parliament then it is so much the better and we hope that will prove to be the case, but the grievance I have always contended from the outset of this complication is limited to that portion of the province of Manitoba that was populated in 1869 when it became part of the Dominion of Canada and in that locality where those schools were already established where they were maintained by their own finances and their own free will without being taxed for any other purpose at all, it became a grievance if they have to maintain those schools still and still to pay taxes to another school that they do not wish to send their children to. Where those schools were originally established there I say a grievance can fairly be shown. Beyond those limits it is merely the withdrawal of a privilege which had no existence prior to the transfer, a privilege which is withheld from other denominations. Any grievance that is established it is the right of the Dominion parliament to remove, not at the expense of the province of Manitoba, not by altering or interfering with the constitutional laws constitutionally passed by the provincial government, but by the action of this government within its powers, according to parliament's idea of justice. That is the position I have always regarded the school question to be in, but as I said before if the question is settled without reference to parliament, it will be much more in accordance with the spirit of our constitution. I move the adjournment of the debate.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, August 28th, 1896.

The SPEAKER took the Chair at Three O'clock.

Prayers and routine proceedings.

THE ADDRESS.

THE DEBATE CONTINUED.

The Order of the Day being called :

Resuming the further adjourned debate on the consideration of His Excellency the Governor General's Speech, on the opening of the First Session of the Eighth Parliament.

Hon. Mr. BOULTON—Hon. gentlemen, one of the subjects, I think, that has interested the people of Canada and the late government, and, I have no doubt, will interest the present government, is the question of the settlement of that enormous vacant country that lies west of Lake Superior, that country that is ready for the plough, that is capable of producing largely and has great capacities generally ; in fact, it is described as the backbone of Canada, and I claim that it is not improperly described as such. That the increase of population there has been disappointing is, I think, unquestionable. Although stimulated by large grants for emigration purposes from one year to another, and large railway developments, yet the increase in the population, as each succeeding census comes round in the province of Manitoba every five years has been disappointing, and I desire to say a few words with regard to my ideas after 17 years' experience living in the interior of that country, some 275 miles from Winnipeg, 1,600 miles from the city of Ottawa, and in a district that has to transport all its produce to find a place in the markets of the world and pay heavy freight rates. The efforts that have been put forth in our railway development by the late government I think have to a certain extent proved a failure in so far as the assistance to settlement is concerned, in so far as the assistance to the people who reside in that country is concerned. That they have met with marked success in building the Canadian Pacific Railway across the continent and other public enterprises is undoubted, but the bonuses and land grants that were given to supplement, or rather to induce the construction of these lines, have been given in that way that they have failed to produce an effect upon the lowering of rates of transport all over the country. They have stimulated the construction of these lines, I have no doubt, but that they have produced that effect which they should have produced in lowering rates for the transport from that western country is not apparent, and I think have proved a failure. Our rates are exceedingly heavy and the popular idea is that the cost of transport is very great, and of course the cost of running the line is very great, yet if the Canadian Pacific Railway will look into their rates, which they have

done from time to time without any material effect upon the reduction, they would find that the largest net profit that they make out of their rates are those rates for the carriage of the wheat and cattle. Now, that is a direct tax upon the industry of the country when imposed in that peculiar manner. The receipts of the Canadian Pacific Railway, I am glad to see, have increased very rapidly this year as well as last year, owing to our bountiful crops, the increase in our cattle exports and the increase in transcontinental traffic. Considering the low prices that we get for our produce, which as I said before are taxed by the rates on the Canadian Pacific Railway, they should look to see how far they could make a reduction upon the movement of this year's crop. What I more particularly wished to refer to was the development of our country. Some people think that we have got enough railroads there. I have no doubt those who are interested in the railroads already built, are interested in promoting that idea, but what is wanted in that western country is competition and cheapness, and economy applied to all the methods of railway construction. Now, the Canadian Pacific Railway Company, everybody knows, was assisted by land grants. In the case of the Manitoba and North-western Railway Company land grants of 6,400 acres a mile were given, and land grants were given to the South-western and to other companies. As I said before, these land grants have failed in their purposes in so far as it affects the financial standing of the railroad, with the exception, I am pleased to say, of the Canadian Pacific Railway Company, and they have failed to bring down rates to a point that would be considered reasonable for the transport of our western produce. I do not want to go into the question of rates or a comparison of rates, but what I do wish to say is, we have parted with I think 40,000,000 acres of our prairie lands for the promotion of those railroads, and they passed into the hands of railway companies with the effect that I have already dwelt upon. I think that that system of aiding our railways has proved a failure and that a different system could be adopted, with more benefit to the development of our railway system and a more economical construction for the purpose of keeping down rates. Half the land in that western country is set aside as free homesteads for settlers. Upon the payment of a fee of $10 any one can come into the country and take up 160 acres of land and settle upon it under certain government conditions. The other half has been retained for railway purposes, as an asset to be utilized for the purpose of developing that country. As I said before the assets have been used as a free gift of this amount of land to railway companies without any restriction upon the companies or the way in which it should be utilized. In connection with this I desire to point out that we in the North-west and the province of Manitoba are at a disadvantage in comparison with all the other provinces of the Dominion in so far as we have no assets of our own. Ontario, Quebec and the other provinces own timber lands and mines. One province has a valuable asset in the royalty derived from mines, another from dues on timber and whatever there may be in the public lands in addition. The province of Ontario refused to give an acre to the construction of the C. P. R. The province of British Columbia gave a land grant through the mountains but retained the royalty on minerals. We have no such assets to fall back upon, and we are dependent entirely upon what we receive from the Dominion government in the shape of our annual subsidy or direct taxation. In the future, our responsibilities and population will increase, I should like to see a change made in the management of our public lands in the west, that is, to husband those resources and not dissipate them, as we have done so far, by the alienation of those lands given to railways. I consider the intrinsic value of lands in the North-west within reasonable distance of railway communication is $5 an acre. That is the upset price of our school lands and Hudson Bay lands, the sales of the C. P. R. average $4 an acre. That is to say, after the country has been developed and the settler comes in there, if he pays $5 an acre for the land that he desires to settle upon he is in quite as good a position, in fact in a better one, than the settler who comes in as a free homesteader and has to take the part of a pioneer and build up the country to that stage when it can receive the development that I am already speaking of. Of course I am quite aware that if the Government of Canada were to charge $5

an acre to incoming settlers for those lands, they would lie idle for a great number of years, because people who come to this country, come with the idea that it is not necessary for them to bring capital with them in order to commence operations, that there is free land for them to commence work upon. The free lands or the even-numbered sections are being gradually absorbed within a reasonable distance of railway communication. There is a vast area of land which is not yet absorbed, which is further away from railway communication. Now, I would suggest to the Government, that instead of giving a land grant to the railway companies that it is absolutely necessary to build in that country for its proper development, they should utilize the grant in a different way. We will take the Manitoba and North-western Railway as a prominent example. That railway received a grant of land of 6,400 acres per mile, for about 230 miles to its present terminus. It has also received a land grant to Prince Albert 150 miles further. It has failed to go on with the construction for a great number of years. It is in the hands of a receiver now, and economical principles are applied to its management, and it is doing very well, but it cannot get out of the hands of the receiver until the litigation has ceased between the bondholders who advanced the money and the management of the road. They have a land grant for the section beyond their present terminus, of 6,400 acres per mile, I think part of that has been commuted for a cash bonus of $6,400 per mile. Now, instead of giving that land grant, or that cash bonus, I would suggest that the government guarantee the bonds for the construction of that line at the rate of 3 per cent interest, and that the government appropriate that 6,400 acres per mile and that cash bonus and set it aside in the hands of a commission as a guarantee for the protection of the public treasury, in so far as its being called upon to provide for the bonds that have been guaranteed. In addition to that, I would recommend that a first mortgage be taken upon the road for the land grant guarantee. We will suppose that the guarantee is placed at ten or twelve thousand dollars per mile at three per cent interest. Then, if the government becomes responsible for the bonds, it becomes responsible for the interest. There is an asset against that liability of 6,400 acres per mile and there is a first mortgage upon the railway itself. Then, those who provide more capital in order to continue the development and project further, of course it will depend upon the careful and good and economical management how far they will retain possession of the road. There is a growing feeling in that western country that better railway transport should be had, in that prairie country, which is so dependent upon inland transportation. The development of what is known as the fertile belt to Prince Albert, Battleford and Edmonton, the construction of a railway to the mining regions to the north and south of the Canadian Pacific Railway, and the construction of the Hudson Bay Railway, are the important works that await development, and they can all be projected upon the lines I have laid down in an economical manner. I think it is desirable in such matters that the government should see that the first outlay is kept within moderate bounds, that they are kept within bounds conducive to the settlement of the country and the economic condition of the people who supply the traffic for the transport of that railway company. If a plan of that kind was adopted, it would be found that every one of the railway companies would become self-supporting in a period, we will say, of from five to ten years. That is to say the government guarantee would be no longer necessary. They might go to the capitalists of the world and raise the money and relieve the government of the guarantee if necessary. The government would be relieved of that guarantee and they would still be in possession of the 6,400 acres per mile which could be used again for the same purpose, and as time went on and railways became more prosperous, the public lands would then be a public asset to be disposed of in any way that the interests of the country demand at some future time. It is quite probable that there is a large acreage yet. It is impossible for us to tell without having the details before us what the acreage may be, but there is a very large acreage yet, and I say it should be the care of the government to husband those resources and reserve them as a future asset, and that when a settler comes into the country, the whole country would then be open to him to settle in. He could select an even-numbered section, for which he has to pay nothing if he goes far enough afield. Then the odd-numbered

sections would be open for settlement on the same basis, but instead of having to pay anything for his capital that he should be entitled to hold it at the rate of 3 per cent interest with such obligations as may be conducive to settlement. Three per cent upon 160 acres at $5 an acre would be an annual charge of $23 a year instead of paying a homestead fee, the new settler would pay the first year's interest on the price of his holding upon the odd-numbered or government section. The man who went in as a pioneer to develop the country would have his obligations as a pioneer. The man who follows him when a country is developed and there is a railway to take away his produce, has a decided advantage when he can occupy lands alongside of the pioneer settler and pay only the charge of $23 a year. Now, this is only an outline of what I have brought before this honourable House in regard to this matter. There might be a difficulty in the minds of some people who do not reside in that country about guaranteeing bonds of that kind, but I say, hon. gentlemen, if a railway constructed in that western country on that economical basis, a first mortgage upon the railway itself with an asset of 6,400 acres per mile at the back of it cannot be considered a safeguard to the treasury, then I think the country cannot be viewed with much confidence by the people of Canada generally. From my experience I can say that it is a fine country. It is capable of great production, and it is to-day producing wealth probably more rapidly than any other part of the world; that the larger share of that wealth does not remain with the people who are producing it is quite evident, because of the high taxes they have to pay and in consequence of the freight rates, is a matter of perfect knowledge to the people who reside there, and any improvement or amelioration of that condition will produce a far greater and more beneficial result on the development and population of that country than any stimulas that may be given by large subsidies for emigration purposes, or in any other shape or form, The best emigration agent is well known to be the contented settler, and the contented settler is the man who is paying his way as he goes. Under present conditions it is impossible for the settlers, as a general rule, to pay their way in that country in consequence of the low prices they receive for their produce, and the high price they have to pay for everything they require. The country has maintained itself so far, as I have said before, and produced a great deal of wealth, but while that has been done, *pari passu* with the progress of that development has been a great development in the borrowing of the people. I believe I am quite within the mark when I say that the loans through loan companies on real estate in that western country, have reached as high as $30,000,000, on that $30,000,000 interest has to be provided, and that is loaned out at the rate of eight per cent to-day, and it becomes a yearly tax on the wealth that is produced there which, in addition to the other taxes, produces an effect which we all deplore—that is, that the country does not increase in population, that it does not enjoy that prosperity that we all think it should, in consequence of the bounties of providence that have been showered upon it so far as the richness of soil and the facilities that are offered for the immediate development of the country, for the farmer, in the absence of any forest growth or anything of that kind. I have already referred to what I consider to be one very important subject of interest in our western country, that is the question of immigration. The question of taxation through protection is one that also I have already dwelt upon in this honourable House and when I say that we produce wealth in that country I am quite within the mark when I say—though it might open the eyes of a great many people who do not give a thought to it—that last year we produced 30,000,000 bushels of wheat, an addition to the wealth of the country of $20,000,000. Last year was an exceptionally good year—that is to say the climatic condition: sun and rain came in their due season and the crop was large. That $20,000,000 is the value of the wheat at a point of export on the Canadian seaboard, and when you come to think that $20,000,000 is added to the wealth of the country by a few industrious hard working settlers out in that western country, you can see what the possibilities of the country are in adding wealth to Canada through its intelligent and proper development by wise laws and just laws. At the present moment we consider, in the western country, that the protective system is not just, that it is taxing the many for the benefit of the few. I might quote an instance that I presented to the people during the last election

as to the effect of protection upon our industries. I said to the farmer, you take a steer that you sell for $40.

Hon. GENTLEMEN—Hear, hear.

Hon. Mr. BOULTON—Anything in the shape of a steer story I dare say produces a certain amount of amusement, but it is downright earnest with us. The cattle buyer purchases a steer for $40. That steer is transported to England—because all our products are exported to Great Britain—our wheat, our cattle, all go there. That steer is exported to Great Britain and there it sells for $90. Now, that $90 is paid to us by the English people, not in gold, but in goods. The system of trade is a system of exchange between foreign nations. It would be impossible to receive gold for the payment of that steer, or else the cargo would have to support the railway and the steamboat one way instead of both ways by the exchange of trade. Now, that $90 worth of goods is returned to Canada and the moment it reaches a Canadian seaport there is a duty of 32 per cent charged on it—that is the average duty at the port of Montreal. Those goods cost the wholesale man who is importing them $120 when they are taken out of bonds. Then, as is usual with the wholesale trade, they take their invoices and add say 10 per cent to the cost of the goods, and that $120 on the shelves of the wholesale merchant becomes $130. The retail man from Manitoba or Toronto purchases from the wholesale merchant and has to pay $130 for those goods. For his share of profit he adds 25 per cent, so that the cost of those goods sent back in payment of the steer shipped from Manitoba has reached $167 in the trade.

Hon. Mr. COCHRANE—I have always got money for my steers.

Hon. Mr. BOULTON.—But you draw on England for the money for your steers and the people of England in order to meet that when they purchase, will send goods to Canada and draw on Canada for their value, they could not buy if they could not sell. You do not get the gold.

Hon. Mr. COCHRANE.—I get the gold.

Hon. Mr. BOULTON.—No, it is Canadian currency.

Hon. Mr. COCHRANE.—I can get gold for the currency.

Hon. Mr. BOULTON.—Every one knows that gold is not a medium of exchange between nations. It is trade. Our currency is worth gold because the financial standing of our institutions is sound. If you trace back our imports and exports since confederation you will find there has been on one side an import of bullion of about $4,000,000 and an export of bullion on the other side of about $3,500,000 or the reverse. That has been shipped through the clearing houses. Trade is carried on by exchange. I do not think anybody will question that economic condition for a moment. Now, supposing there was no tariff on the necessaries of life, the conditions would be altered and the goods would come to Montreal and be delivered there for $90. The wholesale merchant would add 10 per cent and the retail merchant 25 per cent, making it $124. The price of the goods has reached $165 in Manitoba without calculating the freight but with the duty added; while without the duty it has reached $124. The difference between the two amounts is $41, exactly 45 per cent of the $90 which was paid for the steer in Great Britain. The proportion of that which belongs to the farmer in Manitoba is $40, and that $40 is used for the purchasing of the goods which he requires in his industrial enterprise, and the price of those goods is taxed in that way to the extent of 45 per cent under the present tariff. In other words he receives $22 for his steer instead of $40, or for $22 he will purchase the same amount of necessaries that he is now paying $40 for under protection. If there was no taxation on the necessaries of life, he would have $18 to put in the bank, or improve his farm or invest as he chooses. Under the tariff, he is unquestionably taxed to that extent, and it is open to the hon. gentlemen to pull the simile to pieces and prove the contrary if they can possibly do so. It cannot be argued away. That is the condition of affairs that presents itself to us in the province of Manitoba, and no attempt has ever been made to refute it. The same pressure rests, I have no doubt, on the agricultural community in all parts of Canada. With us probably it presses more heavily, because there are none of the counterbalancing advantages which, although I think fal-

lacious protection is supposed to give. If we produce $20,000,000 of wealth and add that in one year to the wealth of Canada, every dollar of that $20,000,000 is taxed exactly in the same way to those who are producing and carrying that produce to market. The man who produces the wheat the railway which carries it and everybody who deals with it is, to a certain extent, mulct of the percentage on the $20,000,000. I should like to present another view to you, and that is the taxation that we put for protective purposes upon our iron. We put a duty of $4 a ton upon iron for the purpose of developing the iron mines of the province of Nova Scotia. In that province the output has been decreasing. It was at one time 60,000 tons; it has now fallen to 49,000 tons. The value of that iron under free trade conditions is $500,000—about ten or eleven dollars a ton. We are paying—everybody that uses iron in the country—and I may say that the farmers of Manitoba and the farmers of the country generally use more iron and have to pay more for iron than for anything else in their industrial occupation—to the blacksmith's shop, to the hardware store, to the agricultural machine men, and to various sources the farmers of Canada spend more money for iron in their industrial enterprise than for anything else. We produce $20,000,000 of wealth in the province of Manitoba; that $20,000,000 is taxed enormously through the iron that enters into the requirements of the production of that wealth and for what—to induce the production of half a million dollars worth of iron in the province of Nova Scotia. Is that justice—is it common sense? That is the effect that it produces—and it is for hon. gentlemen who disagree with my views to argue the contrary and not to generalize and go off on a tangent in some other direction—that is the effect of giving a spurious development, you may say, to our iron mines in Nova Scotia at the extreme end of the Dominion—the wealth that is produced by the province of Manitoba, 2,500 miles away from it, is taxed to that enormous extent to maintain this iron industry in Nova Scotia and the energies of the province of Nova Scotia are cramped by the same protection. Their iron mines and coal mines under the stimulus of free trade will be developed to an extent undreamed of, while they are now struggling under a false commercial system at the expense of their fellow countrymen. Now, hon. gentlemen, the point has been raised with regard to the attitude of the present leader of the Senate towards protection in reference to the assistance he gave to the smelting industry. The leader of the government in this House, while head of the Ontario government gave assistance to this work in the shape of a bonus. That is quite a different thing. I do not complain for one moment of the $2 a ton bonus that is given in Nova Scotia. Make it 3 or 4 if necessary to build up. I do not complain of the $1 a ton given in Ontario, because the whole country pays it. It does not tax a special industry. It does not injure anybody, it is taken out of the general revenues of the country. But here is a condition entirely different, half a million dollars' worth of iron is produced in Nova Scotia, but because there is a tax of $4 a ton put upon all iron that enters into consumption in the country, no matter where it comes from,—and all the industries in the country that depend upon iron for their prosecution are taxed to an enormous extent. As I said before, it was 32 per cent that we paid upon the duties that came from Great Britain. We pay about the same for things that may come in from the United States. A large proportion of that is iron, and consequently the tax upon all iron that is used in our machinery and our blacksmith shops and our hardware stores and every walk of industrial life is taxed to that extent and simply and solely for that purpose in which the revenue shares to a very slight extent. I do not think that that statement can be controverted. Now that has been the position during the past four or five years. Abolition of protection has been the watchword of the present government and I desire, while the present government are formulating their policy with regard to the carrying out of the promises and pledges they made to the country, that I should present the protective view in these prominent forms. It becomes my duty as a consistent free trader to assist the government in carrying out its policy of obliterating protection from the statutes of Canada and replacing it with the enlightened policy of free trade. There is no question as to the advantage that there is to a country that prosecutes its industries under the principles of free trade. Free trade means the expansion of trade; protection means the restric-

tion of trade. We put on duties to prohibit Great Britain sending goods in here, and to the extent that we put on the duties we restrict the trade between Great Britain and ourselves. We restrict the trade between the outside world and ourselves, and that restriction is brought about for the purpose of concentrating the power of the monopolies that are created through that restriction to tax the industrial life of the country for their own particular benefit. Now, I do not think that the experience of the world can prove any other condition. The point is frequently raised that no other country has followed the example of Great Britain in her free trade policy.

Hon. Mr. ALMON—Hear, hear.

Hon. Mr. BOULTON—No other country is able to do it. When a country once gets itself into the grasp of protection it cannot get out of that grasp. Protection is a system of purchasing and selling legislation. That is what the late government fell a victim to, and that is inseparable from the system. You give us this protection and we will assist you—the protectionist government—into power and help to keep you there. That is what our country has developed into. The people have made a great effort in order to overthrow that state of affairs, and it is a matter of great difficulty to overthrow it. In the United States an overwhelming majority was given in favour of absolute free trade. That was Cleveland's utterance when he offered himself for election some years ago, and what was the result? The result was that the country could not get out of the grasp of protection. Now, what is the result? The people are so disgusted and so despairing that they have brought forward what you might call a most disastrous policy in their depreciated currency, but when people are thwarted and checkmated they will not stop to consider consequences. The Democratic party, the people who desire to change that condition that taxes the country to that extent are arrayed against the monopolies. That is just the outcome of a feeling that must find vent in some direction or another. We do not want to bring about any such state of affairs in this country. We want to proceed upon an encouraging basis. We do not want to close our ears and say "free trade is an impossibility, there is no virtue in free trade of any kind or description," as I hear frequently remarked by hon. gentlemen who advocate protection. It is stated that it is a policy which is an impossibility. I say free trade is the soundest policy that the people of Canada can pursue. I do not mean to say it has got to be reached with one solid jump and upset every industry in the country. That is not necessary. But the most popular measure that exists in the country to-day is free trade with Great Britain. Now I desire to say a few words upon that. Great Britain admits our goods perfectly free. We send over our cattle, our flour and all natural products to Great Britain, and Great Britain admits those perfectly free. Then Great Britain pays for all that import of $60,000,000 worth of our produce by returning us goods, and I have already explained that the burden is placed upon the people who produce that wealth, by the taxation of those goods. I have already explained that, but I wish to point out that the country that admits our products absolutely free gives us the highest price that is paid in any market, and a higher price than can be obtained in any other market in the world in consequence of its free trade policy. They were justified, not only by common sense in our trade relations, but by that affinity which exists between Great Britain and Canada, that owes a joint alliance and loyalty to a common sovereign, in expecting a better return. Now, I say that it is quite within the power of the Canadian people, without detriment to their principles, without detriment to their wealth, and without detriment to their industrial life, to adopt that principle of free trade with Great Britain. It requires no treaty, it involves no foreign interest of any kind or description. All we have to do is simply to say, the people of Great Britain admit our produce free, and, in order to get the very best return to the people who grow and develop that produce, is to admit the goods sent back to Canada to pay for that produce upon exactly the same terms as that produce is received.

Hon. Mr. MACDONALD (B.C.)—You must ask Germany and Belgium first.

Hon. Mr. BOULTON—No, we have to ask nobody. I admit that Germany, under the most favoured nation treaty, will be admitted on the same terms. That I consider

no disadvantage. The trade is small. All those nations with whom we have most favoured nation treaty will be admitted on the same terms. Those nations we have no favoured nation treaty with will not be admitted, but the bulk of our export is to Great Britain, and the bulk of our import is from Great Britain. The trade with all the other foreign nations put together is a small matter and does not enter into our calculations under the present circumstances. What I wish to point out is this, that the people are not sufficiently educated to the principles of free trade to realize, that taking off our duty in favour of the United States, while the people of the United States keep up their duty against us is sound. I acknowledge that that is not popular with us. So far as I am personally concerned, I believe we would be advantaged, from an economic standpoint, by adopting British free trade, but it has got to be a question of education with the people of Canada to admit such a proposition as a sound one. I think that there is no doubt about it that the minds of the people of Canada are thoroughly open to the wisdom and advantage of taking off the tariff in favour of Great Britain, while they do not approve of taking off the tariff in favour of the United States excepting upon the basis of a *quid pro quo*, and that is why I say, in changing our trade relations with the United States, it requires a treaty. In changing our trade relations with the people of Great Britain it requires no treaty. All we have to say is that with Great Britain we desire to trade upon absolutely equal terms, and if we were to lower the tariff in favour of British trade, it would not necessarily admit one single item from the United States, because we have no favoured nation treaty with the United States. The matter of reciprocity with the United States has been referred to by one of the leaders of the government. Reciprocity with the United States on a free trade basis—that is to say, we admit absolutely free the produce of the United States, which is also freedom to the world, and they admit ours free—would be an admirable thing if we could accomplish it. If we could agree upon any system of duties, or any system at all, it would be an admirable thing. But a reciprocity treaty without some provision that it shall be reciprocity without discrimination, would not be, I consider, practical. When we negotiated our treaty in 1854 there was no such thing as favoured nation treaties—at least the treaties with Belgium and Germany were not then in existence, and those are the treaties that govern the relations between Great Britain and Canada, and therefore we could negotiate that reciprocity treaty of 1854, without disturbing our trade relations elsewhere, but to-day those favoured nation treaties are in existence, and if we were to make a reciprocity treaty with the United States, and with the United States only, it would admit the nations of the world, with the exception of Great Britain, upon the same basis—that is, it would admit all those nations with whom we have most favoured nation treaties, but Great Britain with whom we have no favoured nation treaty would be excluded. That would be a discrimination which would be impracticable and impossible in carrying on our international trade. Therefore, I say that any treaty we make with the people of the United States should be made upon what I term a free trade basis—that is to say, anything we admit from the United States into Canada free, shall, of course, have to be free to the rest of the world, I desire to say a few words as to the effect free trade would have on the country. An idea prevails that you would ruin every industry. I say you would not ruin any industry. You might change their character somewhat, but if you were to apply the principle of free trade in any of the cities of Canada, and any gentleman engaged in manufacturing in any of those places did not see fit to conduct his business without protection, he will soon find people who have capital, and who are familiar with trade and international commerce ready to buy him out with a good margin of profit. If they are afraid to go on they can sell out. They would not be able to tax the industries of the country for their special benefit. They would not be able to tax the consumers and restrict trade and divert it from its proper channels for their own individual benefit, but they would have the advantage of selling out to somebody who understands what the principles governing free trade are and who are prepared to conduct manufacturing industries to advantage. When the sugar refineries were injured by the bounty system of Europe and they applied for protection, the government's reply was, we represent the whole people and not one interest. The sugar refiners immediately converted their

establishments and bought the cheap sugar and developed the fruit industry, employed more men and probably made more money. There is no country so backward that it cannot induce international trade when it is conducted on a free trade basis. Therefore, I say the country would be immensely benefited by the adoption of the policy which exists in the British Islands today. I should like to quote some views obtained from a man who I quoted last year with regard to free trade in its relation to crime, Mr. Washington. He says in the course of a letter:

> The cause of the low price now prevailing for the raw products of the lands usually attributed to over production may, with more reason, be attributed to the pretended efforts each protected country makes to protect its farmers and wage-earners against the so called cheap labour of all the other protected countries.
>
> Each country having a surplus it must sell outside its borders, and each protected country having high tariffs specially directed against this surplus of all the rest, the surplus of all or nearly all are forced into the British market where no tariffs exist.
>
> This forced competition among the protected nations to get rid of their surplus products in the only market left open to them, enables the people of Great Britain to buy these surplus stocks virtually at their own price.
>
> This price is further depressed, to the fabulous material advantage of the British people, by the immense bonuses all protectionist governments pay some of their people to enable such to sell their surplus goods in the British market cheap. These bonuses are paid usually paid with money borrowed from the people of England by the various protectionist governments on the security of the cultivated area within their various countries.
>
> Now as the price paid for export governs the price paid for home consumption, and as that price will always be fixed in the market importing the largest quantity, the greater the competition in that market the lower must go the price.
>
> In a word, the greater the number of protectionist countries at any time existing, and the more successful they are in preventing their people trading direct with the people of other protected countries which is the object of protection, the keener will be the competition each will offer to the other in the British market, in regard to their surplus for export, and the lower must fall the price in that market in consequence. This must necessarily lower the price in all the markets of the world, seeing that Great Britain imports the bulk of the exports of all countries, and that the price paid for export governs the price paid for home consumption.

I consider that those views are exceedingly sound and presented in an aspect that is very intelligent. I should like to draw hon. gentlemen's attention to the enormous growth of wealth in Great Britain since they adopted free trade in 1840. In that year, according to Mulhall's statistics, the world's debt to Great Britain was $825,000,000. In 1882 forty-two years afterwards, the world's debt to Great Britain was $5,340,000,000. In 1888, six years after that, the world's debt to Great Britain was $7,300,000,000. In 1896, eight years after that, it is estimated now that the world's debt to Great Britain is $10,000,000,000. That has all been accomplished since the adoption of free trade. In 1840 the world's debt to Great Britain was only $825,000,000. In 1896, fifty years afterwards, the world's debt to Great Britain was $10,000,000,000. Can anything be more plain or clearer as to the advantages to be derived from the adoption of free trade! I do not think there is any clearer proofs of its benefits, not only to the country, but to mankind generally by the expansion of trade, through the free trade policy of Great Britain. Its multiplication by all the nations of the world, would be an increased benefit to humanity, conveying great blessings and benefits with it. I quote alongside of that the amount of gold coin and bullion in the world at the following dates. In 1840 the gold and silver then in existence was £1,568,000,000. In 1880 it was £2,182,000,000. In 1890 it was £2,448,000,000 and in 1896 it is estimated at £2,636,000,000; that is from the same dictionary of statistics. Those I think are valuable statistics in regard to the question that I am now presenting to the House. They prove that the efforts protectionist countries have made the basis of their policy, namely, to keep the gold and silver, which is the basis of currency, in the home markets, has had the contrary effect of driving the gold or commodities which are synonymous to the free trade market from which they can only be obtained by borrowing. I should like to read also the testimony at one of the meetings—not the last meeting that the leader of the opposition was present at but the one before—of Mr. William Adamson the representative of the Singapore Chamber of Commerce at one of the Imperial Conferences. He said:

> I believe the place I represent furnishes an object lesson of great value on this subject we are discussing. Sixty years ago Singapore was a mere fishing village, and now, in conjunction with the sister settlements of Penang and Malacca, making what is known as the Straits Settlements, it

possesses a trade of over fifty millions sterling per annum, and if you were to ask any mercantile man of these Settlements what is the origin and what is the foundation on which rests this great trade, you would be told without a moment's hesitation that it was free trade, pure and absolute. For here there are no custom houses, and no duties export or import, nothing but excise duties and municipal taxes. Sir Stamford Raffles, the founder of the Settlement, laid the foundations of its trade, broad and deep, on the grand principles of free trade long before those principles were adopted by the mother country. Free trade is the very life blood of our commerce, and nothing would induce us to depart from it. The Island of Singapore itself produces nothing or next to nothing, and though this cannot be said of Penang and Malacca, yet the amount of trade which is native to these places is of small value compared to the general total. We derive our trade from all those countries which lie between China on the north and New Zealand on the extreme south, and I wish to note this very important fact because it is of the greatest importance as bearing on the question now under discussion that a not inconsiderable portion of our trade is derived from the possessions of Holland in these eastern seas and from the French possessions in Cochin China. You may ask why do the native subjects of Holland pass by their own Island of Java and travel 500 miles to the north to bring their trade to the British Colony of Singapore? The Dutch have done all they could do to keep the trade to themselves, as the merest tyro in colonial history well knows. The answer is (and it is the only answer), that their subjects prefer the freedom which is given by the entire absence of restriction which they find in British ports, and which they cannot get to the same degree in ports under the rule of Holland. There is no country which has had a more exclusive colonial policy than that of the Dutch; none which has attempted to carry out to its logical conclusion the doctrines advocated by Sir Charles Tupper and it is notorious that their system has hopelessly broken down and that their efforts of late have been slowly but steadily directed to greater freedom. And if you turn from the colonies of Holland in the eastern seas to those of France, what do you find? I may tell you as a fact beyond all dispute that the attempts to turn the trade of their possessions in Cochin China to France by the imposition of heavy differential duties directed against the foreigners has almost ruined Cochin China.

There is testimony which is of great value. Everybody knows that Singapore is one of the most marvellous trading points in the southern oceans. There is another example to which I should like to draw the attention of hon. gentlemen with regard to the effect that taxation has upon our trade, and that is the question of importing sugar. Hon. gentlemen know that on 3rd May, 1895, we put a tax of half a cent a lb. upon raw sugar under No. 16 Dutch standard, and we have also a protective tax of half a cent and fourteen one hundredths of a cent in addition to that over No. 16 Dutch standard, so that the total tax on sugar is one and fourteen hundredths cents per lb.; the $\frac{1}{2}$ cent we imposed for revenue purposes on the 3rd of May, 1895, yielded $1,122,857, the $\frac{1}{2}$ cent and $\frac{14}{100}$ imposed for protection yielded nothing. If we were to remove the tax on sugar and replace the revenue by raising the excise on spirits to $2, the same revenue would be obtained without disturbing industry. In 1895 we imported $8,286,000 worth of sugar, or 389,000,000 lbs. In 1894 we imported $8,518,000 worth, or 307,000,000 lbs. In 1896, after the additional tax of half a cent was imposed, the consumption of sugar in Canada fell to 264,000,000 lbs. or $5,974,000 worth—131,000,000 lbs. less sugar and $2,000,000 worth less in value imported. I do not think we can have a clearer case upon record as to the effect of taxation on trade. That sugar is withdrawn from the industry of the country. Sugar is very largely used in our canning operations and a variety of industries of that kind. The imposition of the additional half a cent a pound upon that checks the growth of those industries, and absolutely forbids the exportation of canned fruits. Everybody knows that, notwithstanding this is one of the most favoured countries in the world for the growth of apples, peaches, pears and small fruits of all kinds, fruits which are exceedingly wholesome and valuable, our exports of them are comparatively small. All we want to do is to apply the principles of free trade to their development, by the cheapening of sugar and the cheapening of tin and glassware and other articles required for the canning of them. All we have to do is to put our fruit on the markets of the world as cheaply as any other country can do it. We certainly cannot do that if we put a tax of a cent and fourteen one-hundredths of a cent per pound on sugar, but if we remove that tax there is a magnificent opening for the development of one of the most wholesome industries in connection with our agriculture. I believe this year is an exceedingly prolific fruit year. I have seen it stated that there are three million barrels of apples produced in Canada this year—greater than it has ever been known before. The same paper that I read that in said that owing to lack of transportation facilities those apples could not be taken to market, but if we had those industries, of

canning and preserving and putting them in jars, they could be sent off to the markets of the world and those engaged in the industry could realize a good price and a good profit through the economy with which we apply the work of these people in the carrying out of that industry. There is one other thing I should like to draw the attention of hon. gentlemen to before I close, that is the continued statement made to the farmers of the country: "Open your markets and you will be flooded with cheap produce." I should like to say that prices are governed by the value of the surplus we have to sell, and the value of that surplus is governed by the competitive market it is shipped to. Our fruit, our cheese, butter, beef, wheat, etc., have all to meet the competition of the American or Argentine farmer in Liverpool, and it matters little whether that competition is on British or Canadian soil so far as prices are concerned. Our farmers should not be led away by the statement. Now, hon. gentlemen, I am afraid that I am taxing your patience in stating any views that I know many are opposed to, but at the same time it is one of those questions that has got to be faced. The minds of my old Conservative friends will be much more open to fair and honest argument now that they are relieved from the responsibilities they were under to protectionists. The present government propose, I see, to appoint a commission.

Hon. Mr. SCOTT—An inquiry.

Hon. Mr. BOULTON—Well, that may be or may not be, but I may just say this that the people that you inquire from can only present information from a single standpoint; that is the standpoint which may affect them individually. The duty of a government is to take the public returns, the statistics showing the nature and trend of commerce, where it is checked and how it is checked and why it is checked, in order to pursue an intelligent policy for the good of the whole community, what proportion of the industries of the country are native and require no protection, and what proportion are exotic, and what proportion will be stimulated by free trade with Great Britain. For instance, some hon. gentleman says, what we want is a reduction or abolition of the duty on agricultural implements. Now if you were to abolish the duty on agricultural implements and not abolish the duty upon all things that entered into the production of them, you would kill out that branch of manufacture. It could not stand unless protected if the manufacturers had to pay duty on the material with which to manufacture machines, but if you take off all the duty on the things they require, on bar iron, screws, nuts and everything of that kind, then they can compete, not only in Canada, but in the markets of the world with other nations, and beat them too. Free trade with Great Britain will afford them the necessary competition in their raw material. They sell us a machine in Manitoba for $140, and I think they sell the same machine to a Scotch farmer for $80. That is due to the remission of duty; we are remitting the duty upon the materials they require, to enable them to export these machines. I only mention this in order to show the difficulties that occur with individuals. One man will say "well if I can get 25 lbs. sugar for $1 I am quite satisfied." It is not a question whether that man is satisfied with 25 pounds of sugar for $1, it is what effect has the taxation of the sugar upon one of the great national industries of the country. By a change of policy what effect will be produced upon the development of our best products of the soil. Now, hon. gentlemen, I have to thank you for patiently listening to me upon this question. I come from the province of Manitoba that has suffered severely from the oppression of taxes. Its progress has been retarded. It has been obliged to borrow largely from loan companies in order to meet these liabilities, individual liabilities, in consequence of that taxation, and it is on behalf of that province that I take up the time of this honourable House in presenting these views.

Hon. Mr. PRIMROSE—The speech from the throne has at least the merit of brevity if it has no other. None of us run any risk of being wearied under the tedium of its recital. It sadly lacks however the merit of comprehensiveness. Its constructors would seem to have received a caution from some source, resembling that received by certain parties at times in a court of justice, to the effect that anything they said might be used against them and so listening to the voice of that counsel and having a wholesome dread of their record, they have wisely for themselves refrained from being either too specific or too prolix.

We learn from the opening sentence that there is at present an existent necessity for making provision for the public service. The idea embraced in the word necessity as applied to any circumstance or set of circumstances, implies that it or they are unavoidable or inevitable, and cannot by any means be helped ; in fact are entirely beyond control. Let us see if this can be justly affirmed of the circumstances which have compelled His Excellency to summon us together at this not somewhat inconvenient, but exceedingly inconvenient season for many of us. Let us ascertain if we can who are responsible for the existence of this necessity, and put if possible the blame upon the right shoulders, because the responsibility in the light of harmful results to this country is a very grave one. In this investigation our task is happily or rather unhappily an easy one.

The experiences of last session will be readily recalled to memory by those who were present ; how day after day, and night after night, in that memorable time, members of the opposition to the government of the day persistently obstructed necessary and important legislation, and blocked the wheels of progress, culminating at last in rendering it impossible to pass the estimates within the period fixed by law for the duration of parliament, and this of set purpose ; a course of conduct which for unreasoning obstructive tactics, and wilful waste of time, stands unparalleled in the legislative history of any country. What place in their regard had anxiety to make provision for the public service (which was one of their prime duties) during those memorable days and nights. To judge by their record, no place whatever. These interests and all others beside were overshadowed by, and subordinated to, their intense desire to obtain power at any cost.

The gnawings of a hunger whetted appetite intensified by eighteen years of enforced abstinence from the food contained in the government preserves, so intensely craved by them, asserted their power over all other considerations and as they considered the throwing of the Manitoba school question with all the perplexing difficulties surrounding that vexed question upon the electorate of this country in the then ensuing federal elections to be the best available means of attaining that end, they adopted the reprehensible course of tactics to which I have already referred as unexampled in the history of legislation in any country, a course of tactics which for the time being converted a great public question into a mere vehicle to subserve purely partisan purposes. So much as to the origin or creation of the necessity of making provision for the public service, compelling His Excellency to summon us together at this (to use the very moderate language of the speech from the throne) somewhat inconvenient season, and so let the blame rest where it of right belongs, of calling us together now to do what should have been done at the last session, thus entailing upon many great inconvenience, and upon the people of Canada an entirely unnecessary and unwarranted expenditure of the public funds. The third clause of the address reads : " Under these circumstances and in view of the fact that you will be required to re-assemble early in the ensuing year it does not appear expedient to invite your attention to any measures beyond the passage of the supplies." That is the way of course in which the present government would like to have matters arranged, but between the necessity referred to in the first clause on the one hand, and the expediency referred to in the third clause on the other, I take it that they own in fee simple, a couple of white elephants of very uncomfortable proportions for convenient handling.

In whose interests may I ask, does this expediency arise. Is the course proposed expedient in the interests of the people of Canada, or is it expedient in the interest of the government? That is the question, and I think we shall not be far from a correct solution should we arrive at the conclusion that it is so in the interests of the government more than of the people, and doubtless could we get a peep behind the scenes we should find that in connection with these measures referred to, the government find many crooked things, difficult of making straight, and many rough places hard to make plain all at once, and therefore an extension of time is desirable in their view, under the circumstances. The important question of the Manitoba schools which has bulked so largely in the public eye, is then for the present to be relegated to the blissful untertainties incident to the "sunny ways" and "conciliatory methods" of the leader of the government; which, however, it would appear from the utterances of the press re-

garding them, are not proving such effective oil upon the troubled waters as was anticipated, and the immediate steps which the speech states will be taken to effect a settlement may prove to be after all but faltering steps in a very thorny way and ultimately fail of reaching the desired solution, notwithstanding the ante-factum expression of confidence contained in the fifth clause that when parliament next assembles this important controversy will have been adjusted satisfactorily.

We are advised in the fourth clause "that the operation of the tariff will be made the subject of careful inquiry during the recess, with a view to the preparation of such a measure as may, without doing injustice to any interest, materially lighten the burdens of the people." A nicely flowing sentence, doubtless the product of a more or less extended period of incubation on the part of its authors, disposing of the most important matter that can be brought under the consideration of this parliament with all the nonchalance of a skilled professor of the sleight-of-hand art, as though it were a matter of but slight concern to the merchants and importers of this country that tariff provisions are to remain in abeyance for a very considerable time, that no definite pronouncement is now to be made by the government as to what their policy regarding the tariff is to be beyond the misty indefiniteness of the language of this fourth clause, that the proposed measure "may, without doing injustice to any interest, materially lighten the burdens of the people." And what, may I ask, are our importers and business men to do in the interim, while this proposed measure is perhaps by the agency of a royal or other commission in process of gestation in the womb of futurity? How long must they wait until the days are accomplished for delivery; and will it be only a mouse that is brought to the birth, after all?

I much mistake the temper of the men who are engaged in our extensive commerce with the outside world if they are disposed to submit to any such treatment of tariff matters. They have had sufficient experience of the ever-changing kaleidoscopic tactics of the present government in regard to them, and we cannot blame them much if they have no confidence whatever, in any declaration of a prospective policy which they may make. The variety of their declarations and their vacillating conduct regarding them, and the forlorn hope of any improvement, recalls to my mind a question which was once asked in days of yore, and which was supposed to admit of only a negative answer, couched in language something like this: "Can the Ethopian change his skin, or the leopard his spots?" I make no affirmation in regard to the change of skin on the part of the Ethopian, but I have heard it stated that the leopard can change his spots, and that that seemingly impossible feat is accomplished when he changes his position from one spot to another. In the government's course we have a pronounced exemplification of this change of spots, which is so capable of working mischief incalculable to the people's interests. To such an extent has this been the habit of the government, that despite their protestations we almost despair of any improvement, and under the circumstances one is led to apply to them in its widest scope of meaning the language annexed to the question referred to, and which was deemed unanswerable except in the negative, "Can the Ethopian change his skin, or the leopard his spots? Then may ye also do good, that are accustomed to do evil."

I have the honour of representing in this House the county of Pictou in Nova Scotia, which, as many of you know, is a large coal and iron producing county, and naturally enough under the circumstances the electors of that county at the last general election, knowing the declaration made by the present Premier that raw material should be admitted free, and specifying coal and iron as such raw materials, were exceedingly anxious to know what the course of the government was really to be regarding them. One of the Liberal candidates in that county, Mr. E. M. McDonald, finding that the declaration of the Premier referred to above was militating seriously against any chances of election which he might have, wired the Premier advising him of this, and asking what he should do under the circumstances, and was told in reply that he might assure the electors that the coal interests would be "carefully guarded." In this connection I wish to refer to an incident which occurred in the House of Commons recently, when the question was put to the honourable the Premier as to whether he had sent that reply, and if so what he meant by the coal interests being

"carefully guarded," when the worse than flippant reply was elicited, that he *had* sent that answer, and that what he meant by being "carefully guarded" was, that they would be "guarded carefully." This may seem to the honourable gentleman to be statesmanship, and that of a high order; and to be a legitimate and courteous way of answering a question put to him by a representative of the people in the high court of parliament, but the people, I can assure him, will not thus lightly regard a matter so important to them as the tariff treatment of the great coal industry of this country; and thus yet once again in the matter of this answer to Mr. McDonald, the government kaleidoscope, which had done them such good service in so many other directions, is called into requisition. Such inconsistency, such vacillation, such unreliability is surely characteristic only of a class of whom it was said in the olden time, "whom the Gods wish to destroy they first make mad." That the madness is on, is self evident, and whilst being very far from wishing any personal calamity to befall them, such as that which overtook those who had incurred the anger of the gods in the olden time, yet in the interests of our common country let Canadians hope that their political destruction at any rate may come and may not tarry.

I listened with a good deal of attention to my hon. friend from Marquette, in his speech which to any of us who have been for any length of time in this honourable House, has the usual flavour, and I wish to say in regard to some of the matters to which he paid particular attention, especially free trade, that an old maxim holds to-day as strongly as ever it held "Facts are stubborn things" and out-point the finest spun theories. I wish to read an extract from a Canadian journal which bears on the subject:

Quite a stir is caused in England, by the book "Made in Germany." The English are waking up in the fact that the protective policy of Germany has caused great industrial development in that country, and has made it a rival of which England may well be afraid. English goods are being displaced in London by German goods, and the foreign trade of Germany in iron and steel, textiles, chemicals, and other industries is surpassing that of England. A tremendous blow has been struck at England's iron industry. In 1871, South Staffordshire had 161 blast furnaces. In 1895, only 19. And in the same period Germany's production of iron and steel increased enormously.

The *Saturday Review* published a strong article based on the book "Made in Germany," and pointed out the fallacies in what it calls the fetish of free trade. Evidently English thought is being stirred up. Practical results are smashing down the Cobden theories. And the English people are being brought face to face with serious effects, the results of adherence to a trade policy which leaves England's markets open to other nations that refuse to reciprocate.

Hon. Mr. DEVER—What paper is that?

Hon. Mr. PRIMROSE—The *Colonial Standard.*

Hon. Mr. DEVER—That is a protectionist paper?

Hon. Mr. PRIMROSE—I am surprised at the hon. gentleman making such an unnecessary statement. If it were a free trade or a Liberal paper advocating free trade principles it would not publish such an article.

Hon. Mr. SCOTT—Before the debate closes I wish to address a few observations touching upon points which have been evolved during the debate. The principal point of attack upon the government seems to have been the issue of Governor's warrants. I presume it is not alleged by any hon. gentleman that there was not urgent necessity for the issuing of those warrants. The authority under the statute seems to be disputed. The necessity existed for this reason, that the payments to the civil service and the employés of the government generally was usually made in the middle of the month, and when the time arrived to pay them, it became necessary to consider whether the statutes did not provide the authority. Reference was made to the Minister of Justice for his opinion, and in order to show that the matter had been well considered, the Minister of Justice has handed me a memorandum of his report, which he was unable to find at the time he was addressing the House. This is the letter from Mr Laurier to Mr. Mowat:

OTTAWA, 14th July, 1896.

Sir OLIVER MOWAT,
Department of Justice,
Ottawa.

MY DEAR SIR OLIVER,—It is suggested to me that unless the civil employés are paid their regular salaries, the public service will be subjected to very serious inconveniences. These inconveniences would more particularly arise in the case of that class of employés who are wage-earners on railways, canals and other public works.

I would ask you to look into the question, and to give me your opinion as to whether a special

warrant can be issued to provide for the payment of those servants of the government.

Believe me, my dear Sir Oliver,
Yours very sincerely,
(Sgd.) WILFRED LAURIER.

The reply of Sir Oliver Mowat was as follows :

OFFICE OF THE MINISTER OF JUSTICE,
OTTAWA, 14th July, 1896.

MY DEAR PREMIER,—I beg to acknowledge the receipt of your letter of this date informing me that it is suggested to you that unless the civil employés are paid their regular salaries the public service will be subject to very serious inconveniences, and that these inconveniences would more particularly arise in the case of that class of employés who are wage-earners on railways, canals and other public works. You ask my opinion as to whether a special warrant can be issued to provide for the payment of those employees.

By R.S.C., chapter 29, section 32 (*b*), it is provided that if when parliament is not in session any accident happens to any public work or building which requires an immediate outlay for the repair thereof, or any other occasion arise when any expenditure not foreseen or provided for by parliament is urgently and immediately required for the public good, then, upon the report of the Minister of Finance and Receiver General that there is no parliamentary provision and of the minister having charge of the service in question that the necessity is urgent, the Governor in Council may order a special warrant to be prepared, to be signed by the Governor General for the issue of the amount estimated to be required, which shall be placed by the Minister of Finance and Receiver General to a special account, against which cheques may issue from time to time, in the usual form, as they are required.

I think that the payment of the employés mentioned in your letter is "urgently and immediately required" for the public good, within the meaning of the said enactment, and that, under the circumstances which have occurred, and the consequent present condition of public affairs, the Governor in Council may properly, on the reports mentioned, order a special warrant to be prepared, to be signed by the Governor General, for the issue of the amount estimated to be required.

Yours sincerely,
O. MOWAT.

It cannot be doubted, at all events, that we took an opinion that every hon. gentleman in this House, I fancy, is disposed to respect ; but there is abundance of precedent for this issue of Governor's warrant. The late government and all governments for the last twenty-five or thirty years, have invariably invoked the Governor's warrant on occasions of very much less consequence than these, when the necessity did not appear to be urgent and when the expenditure ought to have been foreseen. I can turn up a number of cases illustrating that action, but I will take one which occurred in 1891. On or about the 25th of June and the 16th October, 1890, His Excellency was advised to issue warrants for the expenditure of $281,000 and $16,000 for the service of the Prince Edward Island Railway and the Intercolonial Railway during the fiscal year which terminated on the 30th of June, 1890. This is a resolution moved by Sir Richard Cartwright :

That on or about the 25th day of June and 16th day of October, 1890, His Excellency was advised to issue his warrants for the expenditure of $281,606 and $16,000 for the service of the Prince Edward Island and Intercolonial Railways during the fiscal year 1890 which terminated on the 30th June, 1890.

That parliament remained in session up to the 16th day of May, 1890, being within six weeks of the close of the said fiscal year.

That no accident had occurred upon the said railroads nor was there any reason whatever why said expenditure should not have been foreseen and provided for by parliament.

That under such circumstances the issue of a Governor General's warrant for the said sum was a gross abuse of the power vested in the Governor in Council under the said Act; and that the conduct of the Government in neglecting to apply to parliament in due time for the said sum, indicates great laxity of administration and deserves the censure of this House.

You will notice that the Governor's warrant was invoked on the 25th day of June. Parliament had risen in the month of May, and it was only a few weeks after the prorogation of parliament. There was a case where the government allowed parliament to rise, and in a few weeks after that invoked the Governor's warrant for these large sums, and for what? To purchase rails for the government railways. Surely that was an expenditure that might have been anticipated—that must have been known. It did not arise on any emergency at all. It was known that those rails had been wearing out year after year, and yet it was thought of so little consequence that parliament was not asked to provide the funds for the railways, and the Governor's warrant was invoked. The money, as in this particular case, was properly expended. There are hundreds of cases where warrants have been invoked under just such conditions. What does the Minister of Finance, in answer to Sir Richard Cartwright, say :

I do not suppose there will be much disagreement between my hon. friend and myself on the theory which has just been laid down as regards

the source of supply for money expenditure made in the country. There is no doubt—of course we all know that—that parliament is the source of supply, and that to parliament we must, as a government or an executive body, look for authority for expenditures. The clause of the Act which the hon. gentleman has recited, however, gives a a discretionary power to the executive upon certain occasions, in certain exigencies; and I have no doubt as well that when that power was given, although the wording of the Act is broadly drawn, the spirit and intention of the Act was to provide only for those expenditures which came to be considered as absolutely necessary and urgent, so far urgent as to make it a matter of public service and public utility that the expenditure should be made. It is true, as my hon. friend has said, that with reference to the item he has specially mentioned and about which the discussion so far is mostly proceeding, it ought to have been foreseen and ought to have been provided for by parliament.

There is a case that is really of a character that might be subject to very severe criticism. The money expended under the particular warrant to which reference is made in this debate, was for payments specified in the estimates brought down by the hon. gentlemen themselves a few months before. The only point really in this whole argument is the one raised by the hon. member from Pictou—that the opposition in the last parliament were responsible. I presume they are, and they took upon themselves the responsibility and the people judged, between them and the government, which was right. My hon. friend from Queen's said that a similar course had been pursued in regard to the Mackenzie administration in 1878. The cases are not at all parallel. In 1878 Mr. Mackenzie, as he had a right to do, got a supply for the year 1878–79. The government had been elected in the winter of 1874. Their term of office would not have expired until some time in 1879. They had a perfect right to ask for an appropriation for at least seven or eight months of the year covering their own term. They anticipated the termination of their term by dissolving parliament in September. They might have sat on until the following February, and if they had followed the course which the late government pursued, they would have done so. If it had been at the end of their term, and particularly a sixth session, I ask hon. gentlemen who now form the opposition whether the Conservative party in the House, if they could help it, would not resist the granting of supply to a government that was just going to the country and was asking for a supply three or four months in advance. The late Parliament expired in the month of April. There was ample supply up to the 30th June. They were asking for a year in advance. There was no parallel that I could find for a case of that sort. The opposition believed the government had been discredited in the country. In the month of January there had been a crisis—seven of the gentlemen in the Cabinet had revolted against the Prime Minister. They had gone back under conditions which did not meet with the approval of many of their own friends. Hon. gentlemen will remember there was a large secession from the party, and their organs in the country were criticising them very severely. The opposition of that day felt it was their duty to force the government out of power. They therefore declined to give them supplies. They felt that if supply had been granted, it would probably have been abused—they had evidence of that fact. It was not alone that they were ordinary estimates that were intended to be brought down on that occasion, but there were large supplementary estimates, by which it was intended to carry the elections through the influence of government subsidies.

Hon. Sir MACKENZIE BOWELL.—No such estimates were submitted to Parliament and no supplementals were asked for.

Hon. Mr. SCOTT.—I will give one illustration of what I say, and ask the House if it was the proper thing, just on the eve of an election, to put on the order paper in the month of April, a few days before Parliament dissolved, a proposition to subsidize a number of railways over the country; and more particularly to subsidize no less than eight railways—no, not to subsidize, but to build eight branch railways in the island of Prince Edward, and to run them as government railways. It might be very proper, indeed, that additional railway accommodation should be given to Prince Edward Island, but I ask any hon. gentleman whether it would not be looked upon with grave suspicion, if four days before the expiration of Parliament, the government should bring down a proposal to build and equip for all time to come, at the expense of this country, eight railways in the province of Prince Edward Island.

Hon. Mr. PROWSE.—How many miles?

Hon. Mr. SCOTT.—I do not know.

Hon. Mr. PROWSE.—Only one hundred miles.

Hon. Mr. SCOTT—I do not care what the distance was. I can quite understand that the member from Prince Edward Island should be anxious to have those railways built, but there were other places where railways were needed as urgently as in Prince Edward, and the policy of the government, as to railways all over the country, has been to stimulate private enterprise, to aid in the building by giving a subsidy. The late government used to give a land subsidy sometimes, and sometimes a money subsidy; but ordinarily there was no very great objection to any railway that was in the public interest, and was supported at all events by a certain amount of private capital, receiving aid to the amount of $3,200 per mile.

Hon. Mr. FERGUSON—May I point out to the hon. gentleman that the resolutions he refers to were not submitted for a considerable time after supplies were refused by the opposition, so this could not be a reason for obstructing the estimates.

Hon. Mr. SCOTT—I am now taking the estimates as brought down by the honourable gentleman, with page after page of subsidies to railways; does the hon. gentleman think that within four days of the expiration of Parliament, the representatives of the people would have been at all justified in passing subsidies of that kind?

Hon. Sir MACKENZIE BOWELL—Yes, quite right; but explain to the Senate what that has to do with the estimates.

Hon. Mr. SCOTT—I am coming to that. It is one of the evidences that the government were seeking to gain an advantage, and the representatives of the people did not feel that they could trust them with the passage of the estimates.

Hon. Sir MACKENZIE BOWELL—Could they not have passed the estimates and rejected the resolutions?

Hon. Mr. SCOTT—The policy of the opposition was to force a dissolution, and force the government out. Were those not legitimate tactics? If the position had been reversed, and the Conservatives were on the opposition side, I think they would have adopted the same tactics. They are fair tactics.

Hon. Sir MACKENZIE BOWELL—Oh, no, they are not fair.

Hon. Mr. SCOTT—The circumstances are unusual. I do not think the history of this country records a sixth session of a parliament such a short time before the expiration of the life of parliament. You will find no instance on record where parliament sat up to the last day, and if the supplies had been granted, do you suppose we would have been sitting here to-day? We would have changed places. We should have been over there, if it had been necessary to call a meeting of parliament, for the reason that the government would not have had the elections at that period. They would have been further postponed. Why were not the elections held immediately after parliament dissolved? They could have been held in May, and parliament in June, and there would have been no necessity for the Governor General's warrants.

Hon. Sir MACKENZIE BOWELL—They could not have been.

Hon. Mr. SCOTT—They could have been held in May, there was ample time.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. SCOTT—We all knew parliament was expiring. The writs should have been ready, and the election held immediately after. It is a principle of English constitutional law that parliament ought always to be ready to be summoned, and that there ought to be no unreasonable delay when once parliament expires in having another elected, so that it may be consulted if it becomes necessary. And therefore I say, if it became necessary to summon parliament before the 30th June, it was a very easy matter to do it by having the elections in the month of May, but I need give no further evidence of what the intentions of the government were. Were the opposition to sit quietly by and allow all that to pass unnoticed? No, it was their duty to resist it. They felt the government had been discredited, and the action taken by the

opposition was justified by the votes of the people afterwards. There can be no question as to that, and that is really the answer to the objection. Every opposition avails itself of all those opportunities, if it is really sincere and anxious to turn a government out; and there was opposition, not only on the part of the regular opposition but, as hon. gentlemen know, on the part of their own friends, for various reasons which I do not now intend to discuss. Probably there would not have been a change of government if there had not been a large secession from the ranks of the Conservative party, and under those conditions the course pursued by the Liberal party was quite proper and justifiable; in fact, it was the course that should have been taken, because the government could not any longer be trusted with the management of affairs, and the sooner the crisis came the better. As I said before, the result of the elections amply justified the course taken. The people have already pronounced upon all that, so that the speech made by the hon. gentleman from Pictou, although interesting and beautiful, is not logical in view of subsequent events. The next point of attack is by my hon. friend from Queen's, where he is quite within his rights and privileges. He criticised the utterances of Mr. Davies and Sir Richard Cartwright, and other leading members of the opposition, and said that there was no harmony and they were not in accord on the tariff policy. Some of them were free traders, and some revenue-tariff men, and some for incidental protection. It is one of the rights and privileges of men in the opposition to have independent opinions. They are not responsible individually until they come together and form a government, and then they are to lay down a specific policy, but during the time they are in opposition they are not to be held responsible. We are not all equally advanced on tariff reform. I am an absolute free trader, out and out, myself, but during my lifetime I do not expect to see free trade in Canada. The people cannot be educated up to that plane. If we had free trade—which I think is the proper condition of things—and if people paid directly into the revenue by direct tax to carry on the administration of affairs, you would find our expenditure greatly reduced, but you could not instruct the people to accept the proposition. They would sooner pay a larger sum unknowingly, with every pound of sugar or every pair of blankets, &c., they purchased. They pay it in that way, and do not appreciate the outlay. I am quite in accord with my hon. friend from the North-west in his views. I think they are sound, but they are unattainable under present conditions, because the people will not appreciate the position of affairs. So far as the trade policy of the Liberal party is concerned, that was outlined three years ago at Ottawa, and that is the policy that governs and guides us, whatever individual members may have said in opposition. But when they come together, and form a government, then other considerations necessarily crop up. We find that in the last eighteen years very many industries have grown up in Canada and very large sums of money have been invested in them. People have been stimulated to the production of articles that are not germane to this country, which ought to be bought abroad. For the purpose of having them produced in Canada, a very high tariff has been imposed on the foreign articles. It would be a very improper act for any government, no matter how strong they may feel on that subject, or how much they may condemn the policy of their predecessors in bringing about that condition of things, to disturb hastily the condition of things that has grown up in a long period of years, particularly when sums of money have been invested in those various industries; and so it was announced, before the elections by the present Premier, that the Liberal party were not revolutionary, that they would take care that no industry in the country was made to suffer unduly, and it is for that reason that any change of tariff will not be hastily made. My hon. friend from Pictou thought we should have come down with the tariff on the present occasion. It was only last month the government were sworn in, and they had to go to the country for re-election. It is only to-day that two gentlemen returned from their elections, Messrs. Paterson and Blair. I do not suppose hon. gentlemen are serious when they say that the government ought to come down with so important a measure at the present session, when the members of the government have not really been brought together. All they could do was just what is outlined in the speech—to say that it became necessary to make provision to carry on the affairs of the country and that involved the calling of parliament together,

and a promise is held out that before next session the tariff will be considered. But the tariff is to be considered, not in the revolutionary spirit that some gentlemen seem to anticipate. That is not possible or proper; it would not be right to do it, considering the millions of money that are invested. Whatever changes are made will be so gradual that the manufacturers themselves will practically not feel it. When the corn laws were abolished in England, hon. gentlemen know it was done by what is called the sliding scale, extending over a long series of years.

Hon. Mr. BOULTON—Four years.

Hon. Mr. SCOTT—It took at all events a series of years. Well, now the tariff changes will all be in one direction. The manufacturers and others interested in tariff questions will know that we do not propose to abolish the tariff, but that it is to be brought as nearly as practicable to what might be called a revenue basis. That is the object of the reformation—a revenue basis. That gives what is known as incidental protection, because in this country, with the very heavy amount that we have to raise each year, some thirty-six to thirty-eight millions of money, it is idle to talk about opening your ports, or about free trade, or about reducing the tariff to an amount that will not give us revenue. The spirit of the people of this country is that a very considerable amount of the revenue must be raised through the customs. They have been accustomed to paying in that way, and it is idle now to talk about a departure from it.

In reference to the school question, as hon. gentlemen know, I have taken very strong grounds in the past upon that question, and have addressed this House on several occasions, and I was one of those who had no hesitation in stating positively that a solemn contract had been made with the province of Manitoba that the minority in that country should have separate schools. The evidence is so undoubted that any person who chooses to take up the points and examine them, if he approaches the matter with an unprejudiced mind, must come to the conclusion that the Parliament of Canada made that solemn agreement with Manitoba. They did not make it hastily, but made it after discussion, after considering all the circumstances and believing it was best for Canada and best for Manitoba. I see before me two hon. gentlemen, one of whom voted for separate schools being given to Manitoba and another who voted against it. Do you mean to tell me that either of these hon. gentlemen did not know what they were doing at that time, and that they did not know the nature of the question put to them, when Mr. Oliver moved that section so and so be struck out—the effect of which was to give to Manitoba for all time to come separate schools—did not they know what they were voting upon? And I admire the candour, the fairness and the earnestness exhibited by the leader of the opposition in this House in the advocacy of what he believed was an honest and just principle. It adds very greatly to the esteem in which he will be held in this country in years to come—the way in which he has stood up at all events for the adoption of a principle to which he believed this country was committed.

An hon. MEMBER—You will give him his reward?

Hon. Mr. SCOTT—We will come to that later on.

Hon. Mr. POWER—He got his reward at the elections.

Hon. Mr. SCOTT—As far as this contract is concerned, it was done in a solemn, binding way. Nothing could be more deliberate.

Hon. Mr. CASGRAIN—You are quoting from the Manitoba Act.

Hon. Mr. SCOTT—This was in the parliament of Canada. The Manitoba Act was framed in this country, and sent to the Imperial Parliament, and their attention was called to the subject. There are honourable gentlemen in this chamber, and still many gentlemen in this country who voted for the bill, and many who voted against it and did they not know what they were voting for?

Hon. Mr. BOULTON—The condition is in the Manitoba Act?

Hon. Mr. SCOTT—Yes, the condition is in the Manitoba Act—the clause which provides that where schools were established,

not by law but by practice, they shall be continued under the constitution of the country. And the vote was taken whether they should be part of the constitution of Manitoba or not, and parliament decided that separate schools for Manitoba should continue for all time to come. That is the point. Now, I say the gentlemen who voted on that knew what they were voting about, particularly when it was under debate.

Hon. Sir MACKENZIE BOWELL—No doubt about it.

Hon. Mr. SCOTT—It does not admit of an argument. And there is this further about it: there was a large majority of Protestants in that chamber, excluding the Roman Catholic vote, who said that the minority in that country should have the same rights as the minority in the province of Ontario. I have analysed it, and I have it here, if any hon. member wishes to see it. There are many gentlemen living who would bear me out that they quite understood what they were voting on and did not vote blindly. The vote was recorded, and Mr. Oliver's motion was to strike out the clause, and the Honourable William McDougall then declared: "If you don't strike out that clause, for all time to come Manitoba shall have its separate schools, and you cannot take that right away." Now, those were the statements made on the floor of parliament, and knowing of those statements and being myself a living witness to the fact, was I not justified in taking the strong line I did, and in condemning the blunder made by the Judicial Committee of the Privy Council, and feeling that it was a terrible wrong that had been done? They are mainly responsible, in a sense, for the trouble we have had with this unfortunate question during the last six years. They chose to give an expediency judgment. If hon. gentlemen will read their judgment, you will see they discuss the question whether it would not be best to have national schools. They adverted to the fact that that was a new country; people were going in from all directions; the various nationalities and creeds were assembled there, and therefore it was probably best for all to say that the minority had not been deprived of any right or privilege to which they were entitled. Then comes their second judgment, at variance with the first, but unfortunately, in my opinion, the second judgment could not restore what had already been taken from the minority. The parliament of Canada can not restore, by any kind of legislation, the rights of the minority, no matter what bill is passed. We could not, under the constitution granted to Manitoba, order the legislature of that province to do certain things, or the municipalities of Manitoba to carry out certain regulations. We have not the machinery. The clause in the Act did not contemplate any such condition. It was not placed there to meet a case such as ours. Had some minor privilege been taken away from the minority, probably this parliament could have restored it, but here was the whole system of education swept away and an entirely different condition of things created. National schools were ordained, and the Privy Council had declared that the Act of 1890 was *intra vires*, that the legislature of Manitoba had exclusive control over the question of education. They shilly shallied in the second judgment—it is not a satisfactory judgment to read. It is not like the first judgment. The first judgment is a positive dogmatic judgment, setting forth that the Act of 1890 was within the powers of the Manitoba legislature, and further that they had the power to tax for the support of national schools and what they said about the minority was this—we may respect them for the observance of their feelings of conscience, but they are free to establish and support their own schools if they like. Of course, everybody knew that, and it is no doubt the fact that in the interim between the delivery of the judgment in 1892 and the second judgment in 1895 they felt that they had made a mistake and so they tried to amend the error they had committed, but it was impossible to amend it. I ask any gentleman who is familiar with the working of our school systems if you attempt to force on a province, through the parliament of Canada, a system that the province objects to, and the municipalities object to, whether it would be possible to administer that system with those two powerful opponents against you? No one can contend that it is possible. If the bill of last session had been passed, what would have been the effect of it? It would have gone to the courts, because the Manitoba government and legislature would have fought it, no doubt, and in five years from

this time we would still have been discussing the Manitoba School Act. The case would, by that time, have gone up to the Judicial Committee of the Privy Council, and this burning question would not have been removed from the arena where it has caused so much heart burning and discord and done such a vast amount of harm.

Hon. Mr. MACDONALD (B.C.)—What will remove it now from this arena?

Hon. Mr. SCOTT—Some hon. gentleman has quoted a speech of mine in which I said if you leave it dormant three years it might cure itself. The thought in my mind when I made that suggestion was this: I grant you, for political purposes, the question was made use of at the polls and a very angry spirit was evolved. Necessarily such a spirit is aroused wherever sectarianism is allowed to intrude. If it were allowed to drop for three years the good sense and good feeling of the people of Manitoba, when they calmly considered all the circumstances, if they were placed before them—the full facts to which I have adverted—would surely come to a recognition of what was right and just and proper towards the minority. That was the only chance. The present government felt, when in opposition, that the only way to succeed in this matter was by conciliation. Hon. gentlemen did advert—one hon. gentleman in the debate yesterday—to the fact that the late government had made proposals to the government of Manitoba. I am not aware that the late government ever made overtures at all until after the second judgment had been rendered.

Hon. Mr. FERGUSON—Oh, yes.

Hon. Mr. SCOTT—I looked over the records. The honourable gentleman may set me right, but I looked over the various correspondence which had passed and I did not see that the government of Manitoba had been appealed to at all until after the second judgment.

Hon. Mr. BERNIER—The Catholics of Manitoba did.

Hon. Mr. SCOTT—I am speaking of the government. Did the government of Manitoba, before the second judgment was given, receive any overtures from the parliament of Canada?

Hon. Mr. BERNIER—Yes, they did.

Hon. Mr. SCOTT—What year was that in?

Hon. Mr. BERNIER—In 1894.

Hon. Mr. POWER—I do not think it could be considered an appeal exactly.

Hon. Mr. SCOTT—Whatever it was, I am glad to be set right. The present government, therefore, feel that there is but one way of arriving at a settlement, and that is through the legislature of Manitoba. I doubt if the minority will get what they expect, but I hope they will get such a portion of what they claim as their rights as will, at all events for the time, satisfy them. We all know that in the other provinces, where this question has unfortunately arisen but where it has not attained the same force as in Manitoba, as years went by the majority were always disposed to enlarge the concessions made to the minority. As better feelings arose from year to year and appeals were made to assist in making the schools workable, concessions from time to time were made. I am glad to say, in the Maritime provinces particularly, we hear now of no complaints. The principal point to be attained, I presume, is the teaching of religion in the schools. Now in Manitoba it just so happens that in at least one-half the schools outside of Winnipeg, probably more, the public school is being run practically as a separate school—that is, where the trustees and children are all Catholics, nobody is disposed to interfere. They are subject, no doubt, and very properly so, to provincial inspection. The officer of the provincial government makes his regular tour, and that is very proper. Then the teacher, in order to enable the school to receive any government aid, must be a certificated teacher. That is very proper—there should be no objection to that. Then, in regard to the schools that are in sections where the population is not exclusively Catholic, where it is a mixed population, I have no doubt we shall be able to arrive at some solution by which the minority will at least be satisfied. We are endeavouring to do what is best. We feel that it is perfectly idle to talk about remedial legislation. No hon. gentleman would now conceive for a moment that any government, no matter how strong it was, supposing

remedial legislation could be made effective, could pass such legislation after all the discussion we have had on the subject.

Hon. Mr. McMILLAN—Does the hon. gentleman think that the clause in the British North America Act, as well as in the Manitoba Act, that guarantees the right to minorities, is really a dead letter on the statute-book?

Hon. Mr. SCOTT.—It is really, after the decision of the Privy Council.

Hon. Mr. MASSON.—That decision was three years ago. If I understand the Secretary of State, his opinion is this, that this federal parliament is powerless?

Hon. Mr. SCOTT.—Yes.

Hon. Mr. MASSON.—I am a much younger man than he is, but I advise him to put himself in accord with his colleagues before he gives expression to such an opinion as that, and to put himself in accord especially with his premier, whose opinion is entirely different, unless he has changed it lately.

Hon. Mr. SCOTT.—You can take my opinion for what it is worth. It is an opinion not recently formed, it was formed long ago, and I have given it repeatedly on the floor of this House. I quite understand the feeling that the hon. gentleman exhibits, and I fully sympathize with him. I regret the state of things quite as much as he does. I deplore it, but while I deplore it I shall do my best to find a remedy for the trouble. I am now pointing out the only direction in which that remedy exists, in my judgment—the only direction in which relief can be obtained, and therefore it is just as well that everybody should understand it. I may be wrong, but I think I have given as much attention to this subject as any member of this chamber. I know something about the school question; I have been more or less mixed up with it for forty years, and I think the clause put in the British North America Act is borrowed from an Act of mine that was intended to be applied under entirely different conditions and circumstances.

Hon. Mr. ALLAN—Are we to understand that the government propose to take three years to allow things to simmer down?

Hon. Mr. SCOTT—Oh, no; the hon. member for Queen's, I think it was, stated that I had said at a public meeting that if the thing had been left alone for three years it would settle itself. I was explaining the statement which I had made at some meeting in Ottawa on the hustings, not that the government intended to take that time. I was simply explaining an expression of mine in that direction of securing a better consideration of this question, but the government hope, as they say in the address, to settle this question before next session. They believe the conciliatory spirit in which it is now being taken up on both sides will lead to such a settlement as will be acceptable to both parties. There was another question which was somewhat discussed—the reformation of the Senate. I do not propose to go into it at length. It was brought out by some observations made by the Minister of Justice on the subject of reforming the Senate. That is not a new question—it is an old subject which has been discussed in this chamber time and again for many years—almost as long as I can recollect, and many hon. gentlemen have felt that this body could be improved if it were made elective. It would not be an experiment. Before confederation our upper chamber was elective, and I think it was a very great success. I think, too, that the men that were elected were certainly as great a credit to any legislative body as those who have received seats here now under the appointing system. I think the gentlemen who were elected to the Legislative Council, and who in consequence obtained seats in the Senate, feel proud that they had received the endorsement of the people. Some of the finest men who ever sat in this chamber were men who were selected by the people, and I have always felt that it was more in accordance with the spirit of the age that a body of this kind should be elected. The constitutions that are now being framed in various countries all make the upper chamber elective—not alone in new countries, such as the Australian colonies and the Cape of Good Hope.

Hon. Sir MACKENZIE BOWELL.—Not in all the Australian colonies.

Hon. Mr. SCOTT—Victoria has an elective upper house.

Hon. Sir MACKENZIE BOWELL—

Yes; but not the colony of New South Wales.

Hon. Mr. SCOTT—In the proposal for the new federation, they are adopting a constitution now very similar to our own, and in that they make special provision that the upper chamber shall be elective.

Hon. Mr. BOULTON—I do not think that constitution has been adopted.

Hon. Mr. SCOTT—No; but that question has been discussed. Of course, the federation is not yet complete.

Hon. Mr. BOULTON—There was a conference four years ago.

Hon. Mr. SCOTT—Yes; and at that conference it was pretty generally conceded that the upper chamber should be elective, but, apart from that, many countries, even the monarchies of Europe, are gradually making the upper chamber elective. In some, the appointments are still made by the Crown; in others, the upper house is elected by the several states, and in some, directly by the people. The adoption of that system would not affect the standing of any member of this chamber—we are here for life. If we found that system a good one, it would not disturb the autonomy of this chamber, because it would go so gradually into operation that the change would be scarcely perceptible, and, in my judgment, would bring it more in harmony with the spirit of the age. Hon. gentlemen ought not to be surprised that that agitation has become very strong in the Liberal ranks. If things had been reversed—if the Liberals had been in power eighteen years, and the Conservatives of this country, numbering half of the people of Canada, were represented in this chamber by eight or ten representatives only, would they not feel that the constitution should be amended in such a way that the equilibrium would be restored in this House? That was the understanding on which the Senate was formed at first. My hon. friend opposite (Mr. Aikins) was appointed as a Liberal at that time, and it was understood there should be an equal representation of the two parties in the upper house then. The proportionate strength of the Liberal party and the Conservative party has not materially changed since that time in the country, and it was believed then that there should be about the same number of representatives of each party maintained in this chamber. At all events, the great disproportion which now exists would not have occurred, and hon. gentlemen can appreciate the excitement in the country on the subject. So far as the present government is concerned, I confidently rely on the sense of fairness and sound judgment of this chamber to do what is right and proper towards the new administration. I have myself been in this position before. It has been my province to lead the government in this chamber, and I shall never forget the courtesy and generosity that I received from gentlemen who differed from me politically, and who were disposed to look very fairly on all the government measures that I had to bring before the Senate. They felt that the people, having returned a certain element to the House, the voice of the people must be supreme on any questions of policy that had been discussed at the polls. I am quite sure the same spirit will animate the members who compose the chamber to-day; that while the government measures will be open very properly to fair and just criticism, there will be no disposition to thwart the public business, no disposition to throw out government measures or to take probably any other course than they would take if it had been a Conservative government that was in power. That is my feeling from the course pursued by this House on former occasions. I can bear testimony to what was stated in this debate, that some Conservative measures that came up to this House in the last ten or fifteen years, have been handled very critically and changes have been made and proper judgment exercised upon them. The government to-day ask no other treatment than that which has been meted out to their predecessors. They at all events feel the most unlimited confidence that this House will be disposed to regard government measures with fairness, and act with a disposition to meet the views of the lower chamber on all those questions that have been before the people and upon which the popular voice has been distinctly pronounced.

Hon. Mr. MACDONALD (B.C.) moved the adjournment of the debate.

The motion was agreed to.

The Senate then adjourned.

THE SENATE.

Ottawa, Monday, 31st August, 1896.

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE ADDRESS.

THE DEBATE CONTINUED.

The Order of the Day being read :

Resuming the further adjourned debate on the consideration of His Excellency the Governor General's Speech, on the opening of the First Session of the Eighth Parliament.

Hon. Mr. MACDONALD (B.C.) said : As an old member of this House, I gladly add my congratulations to those of other members, and welcome to the Senate the three gentlemen just elevated to seats in it ; I feel sure they will be an acquisition, and I hope they will like the serene atmosphere of these precincts. Whether any reformation will arise from the addition, I cannot predict, but the parable may be exemplified of the leaven hidden in three measures of meal until the whole was leavened. The Minister of Justice will find all the incorrigible members of the House on his side of the river, and a little leaven would do them no harm. I was much pleased to hear the assurance of good-will and respect pronounced by the hon. the Minister of Justice towards this House. I consider it a high tribute to its useful and independent functions that he has taken a seat in it, for we know that the Liberals outside the Senate have constantly cried it down. I think the hon. the Minister of Justice will find the Conservative members of the House fair minded and liberal in dealing with public questions, and not obstructionists. If he will keep the Liberal members in line all will go well. The hon. mover of the reply to the Speech, with his usual modesty, has referred to his embarrassment on the present occasion, sitting on that side of the House. Perhaps he feels guilty and that it is a mistake his being there. That modesty soon passed, and he has tried to find an excuse or reason for calling parliament to assemble at this season of the year. In that he has entirely failed, and has not touched the real cause. The authorities he has quoted are quite opposed to his contention. The hon. gentleman said the reason for not passing the estimates was, "that the Remedial Bill occupied so much of the time of parliament that no time was left in which to deal with the estimates." That statement is not in accordance with what actually took place. As a matter of fact, the Remedial Bill was abandoned some days before the close of the session to allow the estimates to be voted, but the opposition persistently refused to vote a supply. The hon. mover knows better than I do the real cause for such refusing—the Liberal party, on consultation, came to the conclusion to grant no supply. They had the government in a *cul de sac*—in a regular trap—and determined to keep them there, and send them to the country in the worst possible position. That is the real and true cause for the present session, and the hon. Secretary of State has freely admitted that. The hon. mover has quoted the law in justification of the issue of the Governor General's warrants. I contend that the conditions necessary did not exist. The circumstances must be unforeseen ; but the Liberal party clearly foresaw that there would be no money, unless parliament met before the end of June. Had the Liberal members followed the British precedent, to vote supply sufficient to carry on the affairs of the country from the day of dissolution to the assembling of the new parliament, the present session need not have been held at this time of the year. The hon. Secretary of State pointed out that a previous government had obtained a credit in a similar way when the necessity could be foreseen, and therefore open to question. Surely that is no justification for the present government doing an irregular or illegal act ? I heard the opinion of the hon. Minister of Justice on this point, and the thought struck me whether he would, if on the bench, giving an unbiassed opinion on the subject, express the opinion he has given now. Whether that be the case or not, I daresay his present opinion will stand undisturbed. The hon. the leader of the opposition, in alluding to the speakership of this House, referred to the old custom of taking the Speaker alternately from different provinces every new parliament, and making a distinction in language and creed, and said he attached no importance to that himself—that it was immaterial what the creed, national-

ity and mother tongue of the Speaker should be. So far I fully agree with my hon. leader, but there is a principle in the selection of Speaker of the Senate, and in the election of the Speaker of the Commons, on which he did not dwell sufficiently, and on which I intend to offer a few remarks, which will be entirely of a general character, directed to usage and principle and not to the hon. gentleman who now occupies the chair. I beg to assure that hon. gentleman and the Senate that I entertain the highest respect for him. Ever since he took his seat in this House he has acted in the most courteous and friendly spirit towards those with whom he differed politically. I therefore hope the hon. the Speaker will quite clearly understand the direction of my remarks. Hon. gentlemen know that it has been customary for the last thirty years, and that it has been considered a settled principle, that the Speaker of this House should be taken alternately from different provinces at the commencement of each new parliament. For the first time in thirty years that usage, which contained the elements of equal rights, has been departed from, and a Speaker from the province of Quebec has been appointed for two successive parliaments. That usage was departed from in the election of the Speaker of the Commons also—but with that we have not to deal in this House. Such a departure as this, containing strong elements of unfairness, should not be allowed to pass unnoticed. Such a departure is not fair, or just to the other provinces, which are as much entitled to a share of honours and patronage, as Quebec and Ontario are. If such a step were taken by a Conservative government with regard to any other province, I feel sure we would have a loud and strong remonstrance from the Liberal members of this House. I will now direct attention to the unequal distribution in Cabinet representation. Quebec has her quiver full—no less than seven ministers, three holding important portfolios, two holding minor portfolios, and two without portfolios.

Ontario has four important portfolios and one minor portfolio.

Nova Scotia has two portfolios.
New Brunswick has one portfolio.
Prince Edward Island has one portfolio.
Manitoba has no portfolio.
British Columbia has no portfolio.

There is still one portfolio not yet filled, about which I shall have something to say farther on. I ask, in all justice is that an equitable, considerate and fair division of representation? British Columbia for a short time had a representative in the Cabinet, and by virtue of her volume of trade, her contribution in revenue, and her remoteness from the capital, that province ought to have representation in the present administration. My honourable colleague opposite me (Mr. McInnes) used to be a fearless champion of the rights I am now claiming—and I hope neither change of government nor the allurement of a silver bait, nor a wish to please his party will have the effect of silencing his voice, but that we will find him as firm as before in upholding the rights and dignity of his province and mine. The Speech from the Throne intimates that the Manitoba school question stands in a fair way for settlement satisfactory to all parties. I trust such is the case. Although I favour public non-sectarian schools, yet I am in favour of restoring to the Catholic minority in Manitoba the privileges and rights guaranteed them by the constitution of their province. Whether the question can be settled on the line indicated by the hon. Secretary of State, time being the healer and solvent, I cannot say, but I should think from his knowledge of the large body of Catholics and ecclesiastics concerned, who never surrender dogma or principle, that he cannot have strong hopes of his ideas being realized. The hon. gentleman from St. Boniface will no doubt express ecclesiastical opinions on the subject. At all events I trust the question will be settled honourably, without any immoral trafficking in place and emoluments as the price of surrender. Although what appears in the press is not always reliable, yet we cannot help noticing the juxtaposition of the school question and the portfolio of the Interior. Should Mr. Sifton, or any Minister of Manitoba, betray his constituents for so many pieces of silver, he may rest assured the stigma will cling to him for the rest of his life. That portfolio should not be kept dangling in the eyes of weak mortals to lure them from principles to which they were pledged up to the hilt. Developments in this matter will be watched with interest. With regard to the trade and fiscal policy, no one who witnessed the condition of Canada from 1874 to 1878 can for an instant

deny the vast progress the country has made in the last 17 years under the National Policy, the millions of money invested on all sides, the thousands of people finding employment, the extraordinary development in railway construction, and of shipping in our inland waters, and the great increase in the volume of trade. Any change of a radical nature attempted to reverse that policy casts the most grave and serious responsibility on any government undertaking to reverse it, and will meet with determined opposition. Not being in business myself free trade would suit me personally, but from conviction I am a limited protectionist, believing firmly it is the safest and best system for this country. I have listened with interest to the speech of the hon. gentleman from Shell River, and on two different occasions I had the boldness to attempt a reply to his free trade theory, but I am not going to reply to him now—more than to say this—as I have said on a previous occasion that no comparison can in any way be drawn between what would suit Great Britain, and what would suit Canada. The one country is brimful of wealth, the growth and accumulation of centuries, the other a colony thinly inhabited, partially developed, with no accumulation of wealth. The sources of revenue in Great Britain are many and various; in Canada they are limited to customs and inland revenue, as the provinces absorb all the other sources of taxation, such as that on real and personal property, incomes, licenses and succession duties and the sales of public land. On all these sources Great Britain levies to the utmost so much so that her free trade is a delusion, her taxation being $10 per head as against $6 in the Dominion.

Hon. Mr. BOULTON—And therefore the hon. gentleman considers that a justification for one part of the country robbing the other by legislation which protects the privileged classes.

Hon. Mr. MACDONALD (B.C.)—At some future time I am sure the hon. gentleman will find occasion for our renewing this discussion, but for the present it may rest.

Hon. Mr. PROWSE—As is usual on occasions of this kind, the speakers have complimented the mover and seconder of the address in reply to the speech with which His Excellency opened the session. I do not know whether it would be proper for me to compliment the mover of the address, or to sympathize with him in the position in which he finds himself to-day. I expected that some of the younger members of the Senate would have had that duty thrust upon them, but it is scarcely any compliment to pay to the hon. gentleman, the senior member for Halifax, who has had a very long experience in this House, to say that he did his duty ably and well, for he has been a consistent member of this House for many years, giving a great deal of time and attention to public questions and perhaps one of the ablest or best students of parliamentary practice that we have in the chamber. I can only say, with regard to the seconder of the address, that from the appearance of his countenance and melody of his voice, I would imagine that it was an excellent speech that he delivered. I am sorry to say that my knowledge of his language is very meagre. The hon. gentleman who moved the address made some excuses for the government for calling the present session and for not foreshadowing in the speech any special legislation excepting the passing of supplies. He says that time is required for tariff reform. If the intention is to simply reform the tariff on the old lines of protection, I can well understand that time and care would be required, but if we are going back simply and solely to a revenue tariff, I can see no great necessity for the delay. The government have merely to meet the requirements of the country, and to apply the duties upon imports without any regard whatever to protecting home industries. The moment they admit raw material into the country free it is a species of protection to the industries that use or manufacture that raw material into manufactured goods. Therefore, if it is simply a revenue tariff that is to be framed, there is no reason why we should not have it before us this session. There is a certain amount of uncertainty in connection with the postponing of this important question, which naturally will have a very depressing effect upon the industries of this country. We are told that we are to have tariff reform, and up to the present time we can find, neither in the press nor in parliament, any indication of what that reform is to be—what industries are to be allowed to live, and what industries are to be swept out of existence. It would be much

better, in my opinion, if the government would state plainly and directly at once what their policy is on this question, so that the industries that are threatened and the industries that are doomed to destruction may know at once what they may expect, and prepare themselves accordingly for the coming catastrophe. The uncertainty injures all the industries—those that they pretend to affect or will be affected by the tariff when it comes into existence. It reminds me of a circumstance. A gentleman who thought his pet dog's tail was a little too long, told a servant man that he wanted it cut off. Well, the next morning before he got out of bed the gentleman heard the dog making a terrible noise, and he could not think what was the matter, but it just struck him he had told his man to cut off his dog's tail and he said nothing, but the next morning he heard the dog making much more noise and he thought the man probably was dressing the wound, but the third morning he heard the dog in terrible agony, and wondered what could be the matter. He went to the servant man and asked him what was the matter with the dog. The man replied that he was cutting off the dog's tail. The gentleman said: "I thought you had cut it off before." "Oh," he said, "I cut off a little piece the first day and then another piece next day, and more on the third day." That is the case of the government with the tariff. They are going to do their work slowly and gradually, but the pain and injury to the manufacturing industries of the country will be prolonged in the same way as the dog was by the gradual cutting of his tail. The hon. gentleman who moved the address also referred in very mild terms to the Manitoba school question and said that the Conservative party at the present time have changed their sentiments on that subject. Now, hon. gentlemen, I do not know that the party have changed their views, but if they have not there is very good reason why they should change them. The late government had this question thrust upon them; it was not the result of seeking on their part. We may go back to 1890, when the Liberal party in Manitoba was and is in sympathy with the present government and in power here to-day, passed the Manitoba school law. Any person taking up that law and comparing it with the state of affairs in Manitoba previous to that time, can come to no other conclusion than that the Act of 1890 was introduced for the special purpose of setting race against race and of exasperating the minority against the government, and they have kept it up from that day to the present time. It was forced upon the late government, and I think Sir John Thompson acted very wisely in the course that he pursued. I remember my hon. friend, the Secretary of State, some time ago saying—and I think he reiterated the statement in this debate—that when that law of 1890 was passed by the Manitoba legislature, the federal government should have vetoed it and never should have allowed it to go on the statute-book and become the law of the land; but I think Sir John Thompson took the wisest course when he said that he would be governed entirely by the constitution. If the Act was constitutional, it should go on the statute-book; if not, it should be pronounced unconstitutional by the courts, he would be guided by the constitution. He submitted the case to the courts, and it went from court to court, and eventually the Judical Committee of the Privy Council decided that the minority had a grievance which the Dominion government could and should remedy. It was the only remedy they had. Now, hon. gentlemen, if the opposition of the day had been equal to their duty, they would have joined hands with the government and settled that vexed and troublesome question, and if they had done so and accepted the proposition of the government led by Sir Mackenzie Bowell, we would have no school question before us to day. The Remedial Bill was accepted by the minority, although it did not give them all that they demanded and all that was taken away from them. Still, with a generosity which we ought to recognize, they were willing to accept the Remedial Bill as a settlement of the question, and if the minority in the late parliament, led by the hon. gentleman who is now leader of the government, had said "That is a fair settlement of the question," it would have been settled to the satisfaction of every one. But instead of that, what do we find? The Liberal party felt it was necessary to keep that question open until after the elections were over and it was to be made a factor in bringing about a change of government and the plot succeeded. The government of the day took their life in their hands. They went to the

country upon a clear-cut, defined policy not only upon the school question, but also upon the trade question. The National Policy was their trade policy and the Remedial Bill was their policy on the school question. How was it with the opposition on the school question? They would not allow the Remedial Bill to pass, although a majority in the House of Commons had pronounced in favour of the measure. The only possible way the opposition could defeat the government was by physical endurance. They knew if their physical strength could hold out till the time parliament expired, it would be impossible to pass that bill, and they kept the measure before the public so that it should be a factor in the then forthcoming elections. We know that the cry was raised in different parts of the country "Hands off Manitoba," "No coercion for Manitoba." That was used as an election cry in certain sections of the Dominion. We know that in other sections of the country the declaration was that the Remedial Bill was not worth the paper it was written on, and that if the opposition came in power they would restore all the rights and privileges that had been taken away from the Roman Catholic minority in Manitoba by the law of 1890. Under these two phases of their policy, they succeeded in wrenching the government of the day from the gentlemen who held the portfolios. The opposition refused to join hands and assist the government to settle the question, as I think on such an important and such a delicate question it was their duty to do—it was their absolute duty when the minority said it was acceptable to them. But, instead of that, what did they do? They moved the six months' hoist, thereby playing into the hands of those who claimed that no remedial legislation should be enacted, that nothing should be done for the minority in Manitoba. It has been charged in some sections of the country, and through the press, that the Conservatives at the by-elections started a cry of Quebec domination or French domination. Now, although I do not believe in that cry and would not help or join in it, yet I would say this, that the government should give no cause for such a cry, and I cannot but agree with my hon. friend from British Columbia in regretting that in appointing the Speaker in this House, somebody from one of the smaller provinces was not selected, I admit the hon. member who fills the Chair is well qualified for the position. He is a gentleman for whom I have as great respect as I have for any gentleman in this House, and he possesses every qualification to fill the position to the satisfaction of the Senate. I do not oppose the course taken on that ground, but we know this, that he is the third French speaking gentleman that has been elevated to the Speaker's chair of the Senate. We had first the Hon. Mr. Lacoste, and he was succeeded by the late Speaker, Senator Ross. Now, if there was no other senator on the Government side of the House well qualified to fill that position, I could understand why the selection of a third speaker from the province of Quebec was made, but we have the hon. senior member for Halifax, a gentleman thoroughly qualified to fill the chair with dignity and with honour to himself and to the House, and I think, with the care he has given to public questions, he was entitled to some better consideration from the government of the day than merely being invited to move the resolution now before the House. Then we have the hon. gentleman from Albert County, New Brunswick, who for many years has had a seat in this House. He is one of the fathers of the Senate, and has given great attention to public affairs and always expressed himself fully and freely on questions coming before us. That gentleman has been overlooked, his claims have been ignored. I also agree with my hon. friend on another point which he has raised, that is, the claim of British Columbia to some consideration at the hands of this government. We know that during the late parliament a British Columbia representative was appointed a member of the Cabinet and given a portfolio, ; and my hon. friend from New Westminster found very great fault because he did not get a position equal to the best men there. I wonder how the hon. gentleman feels on the subject now. I have no doubt he is well qualified to have a portfolio and to represent British Columbia in the government of this country, and he would be well qualified also to preside over the deliberations of this chamber. I do not know that it was absolutely necessary to bring the great leader of the province of Ontario here to lead this House, when we had so many able men supporting the government on that side of the House whose claims and ability have been ignored. However, hon. gentle-

men, I highly appreciate the compliment that has been paid to us by the leader of this House. I can well understand the magnetism and the power with which that gentleman has been able to lead the great province of Ontario for a number of years past, and I cannot but contrast the high compliment paid to this Senate and every member of it with the extraordinary letter which appeared in the newspapers coming from the pen of that hon. gentleman a few short weeks ago. In that letter there appeared to be a great doubt about the composition of this body. They were not angels of light, as represented in his speech the other day, and there was to be a remodelling of the Senate, or some reform introduced. Perhaps it would not be amiss for me to read portions of that letter and contrast it with the high eulogy and compliments which have been paid us on the present occasion. I read from the *Globe* of the 4th May, 1896—not very long ago—the following:

> My dear Mr. Laurier,—When first the application was made to me some weeks ago to give up my position as Premier of Ontario and become a candidate for a seat in the House of Commons, with a view to accepting a position in the Dominion Reform Government, which is confidently expected to follow the general elections.

Now, hon. gentlemen, it looks to me as if this was stepping a little outside the line of fair and honourable politics. There is a gentleman who had successfully presided over the destinies of the province of Ontario for a great many years, and was doing it, no doubt, to the satisfaction of the majority of that province. Here is a proposition coming from the leader of a great party in the Dominion asking him to take a portfolio and to run for a seat in the House of Commons. Had that proposition been accepted—he was sacrificing a good and honourable position and he would have to run the risk of the decision of the people in the future, but he declined to accept that position and he proposed himself, what? I will read now what he proposed to do in reference to that. After giving his reasons for not accepting—one of which was that he was 76 years of age—he said:

> To remove to some extent this objection it has been suggested that I might take a seat in the Senate instead of the House of Commons. I perceive the advantages of this both as regards myself personally and as regards the constitutional changes which would add to the usefulness of that body, assuming that a second chamber is to be retained.

Now, hon. gentlemen, I think it is a doubtful policy, to say the least of it, to negotiate in this way with the Premier of a large province like Ontario. What did it mean? It simply meant this, that there was this understood bargain between the leader of the Liberal party in the Dominion politics and the leader of the government of Ontario, and also the leader of the government of Nova Scotia, and also the leader of the government of New Brunswick, "if you will come and join me, if you will throw the influence and patronage of your government with me and my party, we will make provision for you in the Cabinet of Canada." I say that such a policy and such a proposition are demoralizing to the politics of this country. It is injurious and ought to be denounced.

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Well, now, that brings up a question of some importance. It appears, hon. gentlemen, that the hon. leader of this House has not fully made up his mind whether he will reform the chamber or do away with it altogether. Now, I would like to know which proposition he was going to take. I suppose, if we do not do exactly what the government wishes us to do, and vote for the measures they send us, we are to be dismissed and told to go about our business. Is that the threat that is held up to this chamber by and from a member coming into this chamber under the circumstances I have mentioned? I speak with all respect for the high position he has occupied for years past, but I cannot relegate to him, or any other man, the responsibilities resting upon me as a senator in this House. Then he goes on to say how a second chamber, consisting so largely of the nominees of one party as the Senate now does, can be just to the other party remains to be seen and so on. I am not surprised. A gentleman who has occupied the leading position of a large political party for a great many years, who has been closely identified with party politics for that length of time, can hardly realize or appreciate the independent spirit such as prevails in this House, but he

takes it for granted that we must be partisans of the worst kind, as we would find in parish politics or in local politics, and he has very grave doubts, as appears in this letter, whether we are going to be just to the incoming government. If we are not, it is a question what is to be done with this House :

How a second chamber, consisting so largely of the nominees of one party as the Senate now does, can be just to a new government of another party remains to be seen, and the necessity of early constitutional changes may depend on this.

Now, hon. gentlemen, you know what you have got to do. You have just got to vote as the government of the day think right and proper ; if not, your heads will be cut off. I think that is the plain English of the letter I have just read. And then, closing the letter further on, there is a grave charge brought against the Conservative party, which I think might have been left out. It is all very well for political parties who have been fighting contests in the House of Commons for a great many years to charge each other with all kinds of wickedness ; but when a gentleman, asked to be appointed a member of the Senate, turns round in the same letter and charges one party with improperly spending hundreds of thousands of dollars of the people's money, and going into political frauds, and so on, I do not know whether it is exactly right or becoming. Now, I do not say the Conservative party is pure in this regard, but does the hon. gentleman not know that the Senate was the body that unearthed that most villainous transaction—the Baie des Chaleurs railway steal. It was to the credit and honour of the Senate that that exposure was made, and it was not the Conservative party who was connected with that steal, and I am a little surprised that the hon. gentleman did not embrace both parties, at all events, in this serious charge. Now, another matter which I think was referred to in the debate was the appointments which had been made to the Senate ; that they were all political partisans. Now, hon. gentlemen, although naturally the government of the day recommend the appointment to the Senate of gentlemen in whom they had confidence, they were not all supporters of the Liberal-Conservative party. There was, among others, if you remember, a worthy gentleman from Toronto, Mr. John Macdonald. He, unfortunately, died before I had a seat in the Senate, about the same session as I first came here. It was well known that he was not in sympathy with the policy of the government, in fact he was an opponent of it, but still the Conservative Government looked upon him as a man of great influence and an honourable gentleman. Sir John Macdonald called him to the Senate, and every senator was pleased to see him here. Then we have my hon. friend from British Columbia, appointed by the Liberal-Conservative government, and if he was not a member of the Reform party at that time, he had declared himself, if I mistake not, to be a thoroughly independent man, as I believe we should all be—independent of government and opposition—and I think by this time he has got pretty well on the other side of the fence. Then there is my hon. friend from Shell River, who was introduced into the Senate the same year as myself. I do not think any one will say he was a supporter of Sir John Macdonald, or Sir Mackenzie Bowell, or Sir Charles Tupper, or Sir John Thompson. I think he has gone one better than the Reformers have gone, because only last Friday he declared himself a Patron and that is a little better, and he goes further on the trade question than the Reformists. He does not say it for the sake of getting the votes of the people, because he is a senator, but he says he would do away with every vestige of protection, and have free trade.

Hon. Mr. BOULTON—Hear, hear.

Hon. Mr. PROWSE—And then we have the hon. gentleman from Northumberland, who, I believe, has always been, and I have no doubt is to-day, a Liberal of the first water, we have also the hon. gentleman from St. John, who I believe came in—I do not know when he came in, but I believe he is a supporter of the pre ent government. Than we have the hon. gentleman from Toronto, also a supporter of the present government and an opponent of the late government. So there is quite a long list. Why, hon. gentlemen, I have mentioned more Reformers, appointed to this House by the late Liberal-Conservative government, than the government press state there are Liberal members in this House altogether. I wish to say this, hon. gentlemen, and I do not speak for any person but myself, but I believe I do express

the sentiments of members of the Senate, that whatever questions are brought before us by the government shall receive most favourable consideration—that is, those questions that have the interest of the country in view, that are promulgated with the understanding that it is for the best interests of the country. The questions will be considered without fear, favour or affection, but when questions come up merely for the advantage of one party, they will be fairly and equitably considered by us. One word in reference to the Governor General's warrants. I am not going to give any legal opinion on that question, because I am not a lawyer. We have had the opinion of the Attorney General, and until we have some other opinion from legal minds we will accept his exposition of the law as correct. But take it for granted that that is the fact, where then is the necessity for calling this session at the cost of half a million dollars? I thought that this great question was one of the strongest planks on the platform of the British constitution, that no money should be taken from the public treasury without the sanction of the people's representatives, but if it is legal to draw one million for July, and another million for August by Governor General's warrants, then it must be legal to do the same thing for September and October and November and December, and there is absolutely no necessity in the world for calling the present session at a cost to the tax-payers of this country of half a million dollars. But supposing it is necessary to call the session for the passing of the supplies, it is said that it might be legal for two months, but it would not be legal for two and a half or one day more than two months. What is the reason we have no other legislation before us than the passing of the supplies? What good reason is there given? No legislation was allowed to pass last session. We know the unparalleled obstruction of the opposition on that occasion. They would not allow the Remedial Bill to be passed. They would not allow any money to be voted for any service. What is the reason that we cannot carry on the business of the country? Here is the country languishing and in difficulty, on account of the cursed protective policy. We have heard that rung throughout the length and breadth of the country for a number of years, and surely the first opportunity the government have of amending that iniquitous law should be taken advantage of and it should be swept from the statute-book at once. We have one member of the government declaring in his place that the National Policy was cursed by God and man, and with such a curse as that heaped upon the people, surely we cannotdo away with it too quickly; but no, the policy of the government is procrastination. The people have got to be considered, and it appears to me that the cry that has been raised throughout the country during the elections was only done for the purpose of securing the elections and there will be very little change of policy in the future in regard to the National Policy. I have one other matter to which I wish to refer, and that is with reference to a remark which has been made—and I was sorry it was made in this debate because I have a notice on the order paper that I would ask for papers in connection with the subject on a later date. It was a remark made by the hon. Secretary of State that the government ought to have been defeated, and that they were properly obstructed and prevented from carrying on the business of the country last session, because there was a proposition made to grant a large amount of money for building branch railways—eight, I think he said—down in Prince Edward Island, Now, hon. gentlemen, the history of that agitation was simply this: in 1894, as you are aware, the hon. member from Marshfield went into the question of the claims of Prince Edward Island for expenditure on public works in that province as compared with the expenditure for public works throughout the Dominion. It was shown in unmistakable terms—tables of figures were submitted to this House and it was proved beyond a peradventure that at least two millions of dollars ought to have been spent in Prince Edward Island to place that province in the same position as the same number of people in other parts of Canada. That has never been contradicted by any member of the late government or the present government, and the only excuse in 1895, when this question came up for consideration, was that the prospects of a deficiency in the revenue would not justify the government in making any new expenditure on railways. But we have the assurance of the Minister of Railways and Canals in the House of Commons, Mr. Haggart, that when new expenditures for

railways were taken up by the government, the claims of Prince Edward Island should be taken into consideration and justice should be done in that regard. Mr. Haggart said, also, that he had asked his engineer to make an estimate of the number of miles and the cost of those railways in Prince Edward Island, and the number of miles was estimated to be 105, and the cost to be less than one million one hundred thousand dollars. There were seven, not eight, branches altogether. One of those branches was an extended branch from Southport to Murray Harbour South, consisting of sixty miles, then another of three miles, another of nine, one of ten, one of seven, one of three and one of eight miles,—short spurs leading from the main line on the island out to the shores, so as to give facilities to the fishermen and farmers in that section of the country to make use of the main line of the railway and thereby, instead of increasing the expenditure, to lessen the expense of maintaining the railway every year. I find, although it was not first agitated last session that this was a sufficient reason for the Secretary of State to deny the government the right of spending any money on these railways, or for any other purpose, and I find also the hon. gentleman, not satisfied with that, during the campaign on the evening, I think, of the nomination, made an extraordinary statement here in Ottawa to which I should like to call his attention. A telegram was sent down from Ottawa to Prince Edward Island and was published in the *Examiner* newspaper, which read as follows:—

> In addressing the Ottawa electors on nomination day Senator Scott, who was Secretary of State under Mackenzie, and who will undoubtedly be a Cabinet Minister should the Liberals succeed in this election, made a fierce denunciation of the Tupper government, and asked why should the citizens of Ottawa be compelled to pay one hundred and twenty-five thousand dollars, their share of the twelve and one half millions pledged to build branch railways in Prince Edward Island, as a bribe to the islanders to return government supporters. The Liberals are making a strong canvass that the government propose to spend millions building railways in the north-east corner of the Dominion, while neglecting Ottawa city.

That is no clerical error, or printer's error to say that the Tupper government proposed to spend twelve and a half million dollars in Prince Edward Island to bribe the electors down there, because he went further and made a calculation how much that was to affect the people of Ottawa, and it was to be $125,000 of a tax upon the people of Ottawa to build railroads in Prince Edward Island, although he had public documents to show him that it was to cost only one million one hundred thousand dollars at the outside. Where was the justification for such a declaration? What was it said for? Simply to induce people of Ottawa to vote against the extravagant government that was using the public moneys of the Dominion to bribe the electors. I should like to know what his colleagues have to say on that question, especially his colleague who comes from Prince Edward Island.

Hon. Mr. DEVER—The reply to the Speech from the Throne gives me the privilege of speaking, and I wish to avail myself first of this privilege by speaking of the principle of protection, as against a revenue tariff, or at most, incidental protection. My opinion is, hon. gentlemen, that protection as a principle in trade, is a fraudulent way for obtaining profits on merchandise, and I cannot understand how any one who dislikes the McKinley tariff, can love its affinity in Canada. But I have never found that consistency or honesty in argument was a part of the creed of a rank protectionist. Now let me emphasize this statement, with an incident which came under my own observation. There came to me a young man who wanted a government situation. I asked him why he wanted a government situation, as I was aware that he had a good situation at that time. He said he had, but his hours of work were too long, and he wanted to get something to do that would not be so exacting on his time. "Well," I said, "young man, I fear you are going to lose, or give up, a good situation for a much worse one." At this he came to the conclusion that I was not in his favour, and he went away not very well pleased. After this, I had not seen him for a week or two, when I met him accidently on the street, and asked him how he was. He said, "I am alright now." I said "What is up?" He said "I joined the Society of Protected Labour and paid my fees. I worked two days this week and earned $8, and now I have four days to myself." "Why young man," I said, "you are a protectionist out and out." "I am," he said, "and why not we as well as the employers of labour and the bloated manufac-

turers." I could not help thinking he reasoned very well, since both parties, I thought, aimed at getting money out of the public without earning it or working for it.

Ought we not protect one of these parties as well as the other, and be consistent? I think we ought. I wish now, hon. gentlemen, to show how protection affects us in the maritime provinces. You are well aware that since the earliest days, countries by the sea always claimed the right of free commerce, and this is only what the maritime provinces want. They say they should have it and they complain in the following manner about it:

The complaint is made in the west that the maritime provinces are scarcely more Canadian than they were 20 years ago, and that there is in this section a great lack of national sentiment and feeling. The reason for this is apparent and the big provinces of Ontario and Quebec have only themselves to blame for it. They have had a giant's power in moulding the policy and destiny of the Dominion and they have used it like a giant, treating the eastern provinces more like conquered territories than sister states. They know our preferences for unshackled trade. They knew that while having the power to fix our own tariff we had kept it down to 12½ per cent, and even 10 per cent in Nova Scotia. But western selfishness, seeking to shut us out from other markets and make us tributary, fenced us in with a high tariff wall that has blighted our seaward trade, checked our growth, hindered our prosperity and burdened us with taxes. We were an economical people, afraid of debt and managed our government affairs with very few officials. We have now an army of Canadian civil servants to support, an enormous Canadian debt to pay interest on, and a most expensive and extravagant federal government to maintain. It would have been strange indeed if this sort of thing had greatly promoted national sentiment and love for Canada in the maritime provinces.

It might have been otherwise. There is nothing in the principle of union, or in the Federation Act that need have brought about this state of things. The big provinces have played the hog in the federal family, and it is with poor taste that they now complain of the absence of national feeling down here.

And here, let me ask, why should the business of merchants in cities by the sea be hampered and injured by unreasonable protection. Fancy Liverpool, Glasgow, London, and the other great cities of the British Empire, being told they can not import from the best and cheapest markets of the world, but that they must confine themselves to traffic in domestic manufactures! How long, I ask, would these great cities thrive, and be England's pride, under circumstances of this nature? No! England must have free commerce with the markets of the world, and so must our maritime provinces, if you want them to prosper and be great. You also must know that high duties cause smuggling, and expense of protective officers. It is quite clear, too, that Providence made the world for free trade, if we look over the several countries and climates. Why, then, should we resist these advantages by restrictive laws on trade? Now, let me present to you what a very able man, Mr. John Sherman, says of protection. He says:

Hitherto the tariffs framed by Congress have been rejected by the people. Each party, in its turn, has undertaken the task with like result. Let us try the experiment of a tariff framed, not by a party upon a party platform, but by the selected representatives of the commercial, industrial, farming and labouring classes. Let Congress place upon the statute-book such a law, and the tariff question will cease to be the foot-ball of partisan legislation.

The tendency in every branch of industry has been to consolidate operations. To effect this corporations have been created in most of the states, and granted such liberal corporate powers, without respect to the nature of the business to be conducted, and with terms and privileges so favourable, that private enterprise without large capital cannot compete with them. Instead of small or moderate workshops, with a few hands, we now have great establishments with hundreds of employés, and all the capital of scores of stockholders under the control of a few men, and often of one man. This may be of benefit by reducing the cost of production, but it also involves two dangers, one the irrepressible conflict of labour with capital, and the other the combination of corporations engaged in the same business to advance prices and prevent competition, thus constituting a monopoly, commanding business and controlling the market. This power, in the hands of a few, is at this moment the disturbing element in many of our great industries. It is especially dangerous when it is promoted by rates of duty on imported goods higher than are necessary to cover the difference in the cost of labour here and abroad. When such conditions occur, the monopoly becomes offensive. Such combinations are denounced and punished by the laws of almost every civilized government, and by the laws of many of our states. They should be denounced and punished by the laws of the United States whenever they affect any matter within the jurisdiction of the United States. Whenever the tendency of a monopoly is to prevent mutual competition, and to advance prices for any articles embraced in our tariff laws, the duty on the article should be at once reduced or repealed.

I have carefully studied and observed the effect, upon legitimate trade and production, of the combination of firms and corporations to monopolize a particular industry. If this association is made merely to promote production, or to create guilds for friendly intercourse between persons engaged in a common pursuit, it is beneficial; but such is

not the object of the great combinations. They are organized to prevent competition and to advance prices and profits. Usually the capital of several corporations, often of different states, is combined into a single corporation, and sometimes this is placed under the control of one man. The power of this combination is used to prevent and destroy all competition, and in many cases this has been successful, which has resulted in enormous fortunes, and sometimes a large advance in prices to the consumer. The present law may not be sufficient to control and prevent such combinations, but if not the evil produced by them will lead to effective legislation. I know of no object of greater importance to the people. I hope the courts will deal with these combinations so as to prevent and destroy them.

So much for protection. I would now ask you to permit me to read to you what Mr. Balfour thinks of the friendship of the United States. It may be a guide to our conduct towards those people:

Mr. Balfour made an incidental allusion to Great Britain's foreign relations and said he felt that England and the United States should work together, each in its own sphere, to promote and extend the Anglo-Saxon ideas of liberty. If, he declared, Great Britain was in alliance with the United States she could fulfil the duties Providence entrusted to her and need fear no foreign foe or internal divisions.

Lord Russell, too, is in favour of most intimate friendship between England and the United States, as may be seen by his recent address at Saratoga. For myself, I feel the savage days of Drake, of Cavendish and others are never to return, and instead of the gloating over the destruction of life and the burning of cities, a feeling of brotherhood should prevail between the United States and Great Britain, and the only rivalry which should exist between them should only be to see who will do most for the peace and enlightenment of the world in all its dark and unhappy places. There are many other points, hon. gentlemen, on which I should like to speak, but as I am averse to long speeches, I will only mention the defence of the New Brunswick Senators, and Mr. Blair, the fault found with Mr. Laurier for bringing the strongest men into his government; why the tariff was not formulated this session, and the passing of supplies at a former session. Nearly all those points were well answered by the Secretary of State, and I feel disposed to let them rest in peace with the school question, which has been a football long enough for politicians. Before taking my seat I wish to say that I am much pleased to see so distinguished a gentleman as Sir Oliver Mowat at the head of affairs in this chamber. His wise Nestor-like opinions will bring strength into our councils, I am sure.

Hon. Mr. BERNIER—I come late in this debate; in fact, I had not much intention to take part in it, except, perhaps, to refer briefly to that part of the Speech from the Throne where mention is made of the school question. In that paragraph His Excellency is pleas d to announce that:

Immediate steps will be taken to effect a settlement of the Manitoba school question, and I have every confidence that, when parliament next assembles, this important controversy will have been adjusted satisfactorily.

This interesting announcement was sure to provoke the keenest concern all over the country, and I will not conceal that at first it went to the minority as a partial relief, in so far as it foreshadowed the possibility of an early restoration of their former rights, and a return to the peace and harmony which existed in Manitoba previous to the unfortunate and unfair school legislation of 1890. In reading that paragraph, one could not help believing that in its preparation the members of the present government had in view the special responsibility they are under in this matter. It must be remembered that the associates in politics of the hon. gentlemen who now control the affairs of the country are those who caused the whole mischief in Manitoba. And it is no injustice to these hon. gentlemen to say that upon them, more than upon any other parties, rests the important duty of redressing the wrongs caused by their friends, and to do what is right. From the first, the Catholics of Manitoba have made up their minds that they should at all times, and to the last, uphold their rights, and lay their claims to an adequate redress of the wrongs inflicted upon them. But at the same time they felt that though the prejudice wrought upon them could in no way be justified, they should not forget what they owe to the peace and to the welfare of the country at large. They resolved to follow a moderate course, adopting for their motto "firmness without passion." They were considerate in their language and general attitude. They did not urge with undue haste the solution of the question, being aware of the difficulties it involved. Yielding to the suggestions of this parliament of Canada, as expressed in

the resolution of the Hon. Mr. Blake in the House of Commons, their case was placed before the tribunals. In the meantime they remained peaceful, paying their taxes for the support of the so-called national schools —a misnomer for such schools—and maintaining at their own expense, besides, their own schools, showing thereby the sincerity of their views as well as their loyalty to the institutions of their country, and even to the local authorities from whom they have been receiving for so many years so bad treatment and by whom they have been so deliberately deceived. That was the course pursued with the late government, and that is the course intended to be pursued with the present government.

This should not be a party question, and its having been used as such in the past, as admitted by the hon. Secretary of State in his remarks on Friday last, is not the fault of the minority. It should be a matter of congratulation to everybody in the country to have heard the statements of the leaders of the Conservative party, both in the House of Commons and in this hon. House, to the effect that they are now, as they were before, ready to concur in the passing of a satisfactory measure of relief. These statements were of such a nature as to help in arriving at a favourable construction of the announcement of the Speech from the Throne at the opening of this new parliament. Then we had no other information than the vague assurance contained in that speech—and I confess that it was a matter of regret for me that the government had not seen fit to at once take the interested parties and the country, through parliament, a little more into their confidence. Since then, however, we have heard the hon. Secretary of State, who with the candour which characterizes him has deemed it necessary to divulge the inner thoughts of the government and I must say at once that his statements were not only startling, but productive of great disappointment. Not only that, but these statements are most suggestive as to the methods used in the late electoral campaign and as to the sometimes evasive and some other times obstructive attitude of the party now in power on this school question when they were in opposition.

Without going at any length into the history of the political events which preceded the school agitation, I may be permitted to recall that the Liberal party in our province did make the most solemn and most specific promises to the minority as to the very matter which is now engaging our attention. Those promises were made for party advantages, and the agitation has been started and continued since for party advantages. This I say, not upon my own authority, but on the authority of Mr. Fisher, formerly the president of the Liberal Association in Manitoba, an authority which cannot be impugned. And now when we recollect the general attitude of the Liberal party here during the last six years, when we recollect the statements of the gentlemen belonging to that party at different places in the country, and the representations made by their press, and especially the statements of the hon. leader of the government during the late election, and when we put alongside those statements the declarations of the hon. Secretary of State, there are many people, inside and outside of this honourable House, who will be inclined to believe that in Dominion politics, as well as in provincial matters, this important school question has been made use of by the gentlemen opposite for party advantages, from beginning to end. At the Liberal convention held in Ottawa in 1893, their party refused to formulate their policy on the question. In parliament they refused to give a helping hand for the solution of the question. They obstructed the policy of the late government. And while some of them contended in their speeches that their opposition to the Remedial Bill was because they did not consider the bill complete enough, that they desired a better measure, yet, instead of giving an opportunity to parliament of introducing some amendments, they shut the doors to any such improvement, and tried to defeat the bill by voting the six months' hoist, on the second reading, thus formulating at last, according to parliamentary usage, a policy, but the weak and disastrous policy, of non-interference. This platform, however, the hon. leader of the government himself disregarded, during the late election, if he has been correctly reported. At a meeting in Quebec he said that if "conciliation did not succeed, he would apply the constitutional remedy authorized by the law, a course which he would adopt in all its entirety." It is true that about the same time, in Ontario, he propounded the very opposite doctrine. He said that, "as he

himself would not be coerced by anybody, so he would not consent to force coercion upon anybody." This did not prevent his organs in Quebec and many of his candidates in that province representing to the electors that if called to power, Mr. Laurier would introduce in parliament, and press to its final stage, a Remedial Bill by which better justice would be extended to the minority. On the strength of such representations many supporters of the present government were elected. And now we learn that all these representations were only birdlime, and now we have the declarations of one of the ministers of the Crown, the hon. Secretary of State, speaking from his seat in parliament, and stating that no remedial legislation will be introduced, that this parliament is powerless, that the constitution is a dead letter, and that the only comfort on which the minority can rely is the good-will and the tender mercies of the Manitoba government, whose policy up to the present time has been a policy of deceit, of slander, and of oppression. Under these circumstances, and in the face of the statements made on Friday last by the hon. Secretary of State, statements made so soon after the elections, it will be said, I am afraid, that from beginning to end this school question has been hurled into the political arena, and has been kept up and boiling all the time by the Liberal party for party advantages, and that the people have been altogether misled as to the true policy of the men now in power. Having said so much about the disquieting features of the statements of the hon. Secretary of State, and of the extraordinary, as well as contradictory, course of the hon. gentlemen opposite on this question, I must not forget, however, that there is an assurance, a hope at least, given to parliament in the Speech from the Throne, that the question will be settled satisfactorily. At first sight it would seem that this assurance should be accepted for all it implies. But my own mind has been much discomforted by the statements of the hon. Secretary of State; on the other hand, there are so many rumours afloat about this prospective settlement, the news coming from Winnipeg are such that it appears to me to be my duty to indicate at this stage what, in the eyes of the minority, the solution of the question should be to be satisfactory.

The claims of said minority have been the object of many trials. At last it has been adjudged by the highest tribunal of the empire that we had grievances, and the grievances themselves have been determined by the same tribunal. Finally, His Excellency the Governor General in Council, sitting as a court of appeal, and as specially provided by the constitution to hear such cases, adopted the views of the Lords of the Privy Council and rendered a final judgment on the petitions filed by the minority. In that final judgment the rights of the minority are once more determined. And in this connection I desire to remark that His Excellency, the Governor General in Council, without ceasing to act under their ministerial responsibility, nevertheless sat in a judicial capacity, and the decision arrived at by them is, in its nature, a judgment to all intents and purposes, a final judgment from which there is no appeal. It cannot now be altered, modified, or withdrawn by any authority, government or parliament in Canada. Parliament may refuse to act upon it and reduce it to a dead letter, but it cannot alter it. Because, by that judgment, the minority which was a party to the case, has been vested with certain rights of which it cannot be deprived without its consent, like in any other judgment rendered between contesting parties. The Imperial Parliament alone could, by legislation, affect that Remedial Order. That doctrine may seem bold at first sight, but my conviction is that it is sound doctrine. The grievances of the minority having been so determined, any settlement of the question, to be satisfactory, must be in the line of the judgments to which I have referred; nothing short of the indications and principles they contain could be accepted by the minority as a satisfactory settlement. In the second place, that settlement must be of a permanent character. These are features which must be borne in mind by the government in any effort they may make to arrive at the desired solution. Prompt and complete justice is required. It must strike everybody that those grievances have existed long enough. Law is in accord with good sense and justice to require that all grievances, and not merely some of them, be removed, and that the remedy be not only a partial remedy, but an adequate remedy. The permanency of the settlement is due not only to the minority but to the country as well, so that the nation may have a rest at last and be no more agitated by such

controversies, which necessarily hinder its progress.

That this school question should be settled strictly in accord with the constitution, as read by the Privy Council, is a matter of the greatest concern to the whole confederation. In deciding that the minority, under the terms of the constitution, had grievances for which a remedy was due and could be afforded by this parliament, the Privy Council adjudged at the same time that on certain points the legislature of Manitoba had gone beyond the limitations placed by the constitution upon its legislative powers ; in other words, they declared that the constitution had been violated. The Catholics could not have any right as against the constitution, and could not have got a judgment in their favour, on the point raised, unless the constitution had not been complied with by the legislature. In words or in thought or in law, non-compliance with the constitution is necessarily a violation of the same. It is an error then to say that the legislation of 1890 is absolutely constitutional and cannot in any way be supplemented. or even interfered with in so far as is required by the circumstances, so that the minority may be relieved according to justice. The judgment in the case of Barrett *vs.* the City of Winnipeg does not support that view. It does not preclude the action of parliament. I wonder how that contention can be persisted in, when any one has only to read the second judgment of the Privy Council to find out that the point has been specifically submitted to their lordships and decided in favour of the freedom of parliament to act if they choose to do so. That judgment in the case of Barrett *vs.* the City of Winnipeg is to my mind radically wrong. It is a great misfortune that the case should not have been better understood. Nevertheless, the judgment is there ; we have to abide by it. But there is no reason to be bewildered by the same. In that case, like in any other case, the tribunal has pronounced only on the point raised and upon the materials placed before such tribunal. What was the point raised? Their lordships will themselves give the answer to this query. In their second judgment they say :

> In Barrett's case the sole question raised was whether the Public Schools Act of 1890 prejudicially affected any right or privilege which the Roman Catholics by law or practice had in the province at the union.

They answered the question in the negative. And so it was decided that the legislation of 1890 did not contravene the first subsection of section 22 of the Manitoba Act, and that in so far as that point is concerned, the Schools Act is *intra vires*. But that did not go further and could not go further. It did not decide that the Acts of 1890 did not come in conflict with some other provisions of the constitution. It did not preclude the minority from attacking the constitutionality of the said Acts on some other points. And so they have done. The first question raised by them was in connection with the ante-union law or practice. Their contentions on that point having been adversely decided, they raised a second question in connection, this second time, with the post-union provincial legislation, grounding their appeal upon subsection 2, of the said section 22, which reads as follows :

> (2.) An appeal shall lie to the Governor General in Council from any act or decision of the legislature of the province, or of any provincial authority, affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education.

This point has very properly been decided in favour of the minority in the most specific manner. The attention of the Lords of the Judicial Committee of the Privy Council was expressly called on the effect that the judgment in Barrett's case might have upon the last appeal of the Catholics, and to the question so formally put to them, they have answered in this way :

> (3.) In answer to the third question :—That the decision of the Judicial Committee of the Privy Council in the cases of Barrett *vs.* the City of Winnipeg, and Logan *vs.* the City of Winnipeg does not dispose of, or conclude, the application for redress based on the contention that the rights of the Roman Catholic minority, which accrued to them after the union under the statutes of the province, have been interfered with by the two statutes of 1890 complained of in the said petitions and memorials.

And in another place, their Lordships say :

> For the reasons which have been given, their Lordships are of opinion that the 2nd subsection of section 22 of the Manitoba Act is the governing enactment, and that the appeal to the Governor General in Council was admissible by virtue of that enactment on the ground set forth in the memorials and petitions, inasmuch as the Act of 1890 affected rights or privileges of the Roman Catholic minority in relation to education within the meaning of that subsection. The fur-

ther question is submitted whether the Governor General in Council has power to make the declarations or remedial orders asked for in the memorials or petitions, or has any other jurisdiction in the premises. Their Lordships have decided that the Governor General in Council has jurisdiction, and that the appeal is well founded, but the particular course to be pursued must be determined by the authorities to whom it has been committed by the statute. It is not for this tribunal to intimate the precise steps to be taken. Their general character is sufficiently defined by the 3rd subsection of section 22 of the Manitoba Act.

Hon. gentlemen will please observe that their Lordships decide here: 1st, that the Catholics are not precluded in their appeal by the judgment of Barrett *vs.* City of Winnipeg. 2nd, that their appeal is admissible. 3rd, that said appeal is well founded. 4th, that His Excellency the Governor General in Council has the right to hear the appeal. 5th, that the particular course to be pursued is to be determined by the authorities to whom it has been committed by the statute. 6th, that the steps to be taken are defined by the 3rd subsection of section 22.

Now, which are the authorities to whom has been committed the power to determine the particular course to be pursued? What are the particular steps defined by subsection 3 of section 22? Let us read that subsection 3 and it will give the answer to these queries:

(3.) In case any such provincial law, as from time to time seems to the Governor General in Council requisite for the due execution of the provisions of this section is not made, or in case any decision of the Governor General in Council on any appeal under this section is not duly executed by the proper provincial authority in that behalf, then, and in every such case and as far only as the circumstances of each case require, the parliament of Canada may make remedial laws for the due execution of the provisions of this section, and of any decision of the Governor General in Council under this section.

Then, His Excellency the Governor General in Council is the authority to determine the course to be followed in any such case; notification to the provincial authorities to do what is right, and in default remedial legislation by parliament, are the steps indicated. And this opinion is substantiated by their Lordships in the following words, and this quotation will at the same time answer the assertion of my hon. friend from Marquette, that the power of the province to legislate in the matter of education is exclusive, a heresy which he has been pleased to propound in this House like many other heresies, at every session for many years past:

Before leaving this part of the case, it may be well to notice the argument urged by the respondent that the construction which their Lordships have put upon the 2nd and 3rd subsections of section 22 of the Manitoba Act is inconsistent with the power conferred upon the legislature of the province to "exclusively make laws in relation to education." The argument is fallacious. The power conferred is not absolute but limited. It is exerciseable only "subject and according to the following provisions." The subsections which follow, therefore, whatever be their true construction, define the conditions under which alone the provincial legislature may legislate in relation to education, and indicate the limitations imposed on, and the exceptions from their power of exclusive legislation. Their right to legislate is not indeed properly speaking, exclusive, for in the case specified in subsection 3, the Parliament of Canada is authorized to legislate on the same subject. There is, therefore, no such inconsistency as was suggested.

This law is in accord with common sense. Indeed, any well balanced mind can readily conceive that no appeal could reasonably be declared admissible before a tribunal unless that same tribunal has the full power to hear such an appeal and to adjudicate upon it. And following the same line of argument, one must see at once that if His Excellency the Governor General in Council has jurisdiction, parliament must also have jurisdiction. It would be useless indeed to give such jurisdiction to His Excellency the Governor General in Council if parliament was not endowed with sufficient powers to give practical sanction to the decisions arrived at. But in this particular case, we have more than such inferences to rely on. Parliament is expressly empowered to carry on the decisions of His Excellency the Governor General in Council by way of remedial legislation. And remedial legislation means "legislation," and not only relief by way of some money grants to help the minority to carry on their schools and to supplement the subsidies which the local government refuses them. Legislation adopted by parliament in such case can and must be school legislation. This also is made perfectly clear by the following passage of the second judgment of the Judicial Committee of the Privy Council:

Bearing in mind the circumstances which existed in 1870, it does not appear to their Lordships an extravagant notion that in creating a legislature for the province, with limited powers, it should

have been thought expedient, in case either Catholics or Protestants became preponderant, and right which had come into existence under different circumstances were interfered with, to give the Dominion Parliament power to legislate upon matters of education so far as was necessary to protect the Protestant or Catholic minority, as the case might be.

When their Lordships say that this power of legislation vested in this parliament is not an extravagant notion, they are perfectly in accord with the spirit of the federal constitution as laid down by the framers of this constitution of ours. Here are the words of Sir A. T. Galt on the subject :

It must be clear that a measure would not be favourably entertained by the minority in Lower Canada which would place the education of the children and the provision for their schools wholly in the hands of a majority of a different faith. It was clear, that in confiding the general subject of education to the local legislature, it was absolutely necessary that it should be accompanied by such restrictions as would prevent injustice in any respect from being done. Now this applied to Lower Canada, but it also applied and with equal force to Upper Canada and the other provinces, for in Lower Canada there was a Protestant minority, and in the other provinces a Roman Catholic minority. The same privileges belong to the one of right here as belonged to the other of right elsewhere. There could be no greater injustice to a population than to compel them to have their children educated in a manner contrary to their own religious belief.

Here are also the declarations made by other prominent public men when the resolutions with regard to confederation were under discussion at Quebec, in 1864. Sir Sir E. P. Taché, then Prime Minister, said :

If the lower branch of the legislature were insensate enough and wicked enough to commit some flagrant act of injustice against the English Protestant portion of the community, they would be checked by the general government. But the hon. gentleman argues that that would raise an issue between the local and the general governments. We must not, however, forget that the general government is composed of representatives from all portions of the country—that they would not be likely to commit an unjust act.—(Com. Debates, pp. 236-7.

On the other side of the House Sir A. A. Dorion, the leader of the Liberal party in Lower Canada, spoke in the same strain :

I think it but just that the Protestant minority should be protected in its rights in every thing that was dear to it as a distinct nationality, and should not lie at the discretion of the majority in this respect.—(Conf. Debates, p. 250.)

Sir Narcisse Belleau also said in answer to an objection, and in speaking of the minorities :

Their religion is guaranteed by treaties; they will be protected by the vigilance of the Federal government, which will never permit the minority of one portion of the confederation to be oppressed by the majority.—(Conf. Debates, p. 184.)

A few moments before the same gentleman had said :

Even granting that the Protestants were wronged by the local legislature of Lower Canada, could they not avail themselves of the protection of the federal legislature? And would not the Federal government exercise strict surveillance over the action of the local legislatures in these matters? Why should it be sought to give existence to imaginary fear?—(Conf. Debates, p. 183.)

No clearer words could disclose the true spirit of our constitution.

With all that before me, I wonder how these judgments of the Privy Council can be misconstrued so as to prompt some hon. gentlemen to say this parliament is powerless. The situation is plain. The first judgment, as I have already said, is wrong. But granted it is right, for the sake of argument; give that judgment its whole bearing, you will find that it decides only the question whether the rights that the minority alleged to possess before or at the union by law or practice were affected. That is one point. The appeal raised a second point totally different. In that appeal the minority contended that by virtue of the provincial legislation after the union (not before as in the Barrett's case) they had vested rights which had been affected by school legislation in 1890. This question has received an affirmative answer from their Lordships. There is no inconsistency between the two judgments, because they bear on two absolutely different points. By virtue of this second judgment, this parliament is as free to pass remedial legislation as if the first judgment had never seen the light. That power is not restricted except that it must not go beyond the requirements of the case. The enactment of the constitution in this connection is so general and complete that remedial legislation can interfere with all local legislation which would come in conflict with the necessary requirements of the remedy. This parliament is the higher power, the other is the inferior power, and in case of concurrence or of conflict, the higher power is the supreme power. It is an error, then, to say, that parliament is powerless on account of the first judgment; it is an error to say that the constitution is a dead letter. There might be

some difficulties of application on account of the case being new and without precedent. But under the circumstances, true statesmanship is to go forward and not backwards, not to yield to passions and resistance of whatever nature it might be, but to march up straight to those difficulties, to check resistance by all legitimate ways, to stand up for the constitution and give the same a practical interpretation. Resistance indeed there may be ; there may be other difficulties, but what are the prospective resistance and prospective difficulties, if not mere shadows. It is not the part of statesmen to be terrified by shadows. It may be, after all, that no resistance would be offered ; it may be that no difficulties would be met. We cannot be fixed on all these suppositions unless there is a law passed. After that law is passed, then we will know where we stand. That will be the time to meet the new contingencies that may arise. The hon. gentlemen opposite will allow me to tell them in all sincerity that the embarrassments which came from their ranks have been a powerful encouragement to resistance. If parliament had from the first and at all times stood up with a united front in favour of what is right, in favour of the constitution and of what everybody knows to be justice, that patriotic and firm attitude would have favourably impressed the people of Manitoba and their government ; the question would now be a thing of the past. It would not have perhaps served as well the party advantages they had in view, but it would have better served justice and the country. The hon. Secretary of State has said that the people of Manitoba would not tolerate remedial legislation, would not submit to it. I am of a different opinion. The result of the late general election bears me out in that contention. The province has returned to parliament a majority in favour of the policy of the late government. The promoter of the obnoxious school legislation has himself been rejected by the large and influential city of Winnipeg. This shows to almost a certainty that if the hon. gentlemen opposite, instead of encouraging resistance by their obstruction, had risen superior to their party feelings and given to the late government the support that the Conservatives are now ready to give them for the vindication of the constitution, peace and harmony would reign now where agitation, discontent and distrust are still in full sway. The maintenance of the constitution is a point which cannot be too much emphasised. That is in fact the turning point of the whole controversy. The question before parliament is not whether the minority will have their schools or whether separate schools are good or not, but whether the constitution shall be maintained throughout the land. The violation of the constitution is a matter of the gravest moment for the future of confederation. If a province is allowed to forfeit some of the conditions of its entry into confederation, there is no reason they should stop there, and not go to the extent of forfeiting the whole compact. There is no reason why each and all of the provinces should not go through the same process. If once such a principle is allowed to obtain in the government of the country, we may be sure that sooner or later the seed thus thrown in the land will bear fruits of distrust in our political institutions, and disruption would ultimately result. It must be affirmed that the constitution cannot be altered at the whim of the provinces, or of this parliament even. We are not a sovereign power as Great Britain is. In the mother country where an unwritten constitution obtains any legislation passed by parliament becomes a part, as it were, of the constitution. Parliament is supreme and what they do is the constitutional law of the land. And it is in that way that Great Britain has gone through such a remarkable evolution in its political institutions. But here such cannot be the case, because such is not our power. We are not supreme ; our powers are delegated powers, and limited by the written constitution given us by the Imperial Parliament. Moreover, confederation is the result of a compact between several provinces. All these provinces must keep faith not only with their own population, but with each other and the parliament of Canada, and this parliament also must keep faith with the several provinces and with each section of the population in any of the provinces.

Sir John Rose, speaking in Quebec, and defining the spirit which should preside in the government of confederation and the relations of the different sections of the country between each other, expressed himself in these words :

> We trusted each other when we entered this union ; we felt that our rights would be saved with you, and our honour, and good faith and

intregrity are involved in and pledged to the maintenance of them.

Let that good faith and those pledges be kept all over the land and the happy day longed for by the late hon. leader of this hon. House, and by every member of this hon. House, I hope, when we will hear no more of creed or race in our deliberations, will dawn upon this fair Canada of ours, if not at once, at least so soon as every section of the population is assured that its feelings, its conscientious views, its constitutional rights and liberties are safe and an object of high and mutual regard.

In the controversies raised by the Manitoba school legislation, the minority has been constantly misrepresented. Lately, they have been represented as wishing to exact their pound of flesh. This is unfair to them. In the classical work from which this remembrance is selected, an unmerciful creditor wanted his pound of flesh from a weak poor wretch, his debtor. Here such is not the case. We are the weak parties, we do not want anything that belongs to others. We have been spoliated and we are only asking for a restitution. We do not want to interfere with the ease and comfort of others, nor with the views of anybody else. If the laws in existence at present are wanted by others, let those laws stand in so far as they apply to those who are wanting them. But, in this matter, it is our own flesh, our bones and our blood that have been exacted from us, and all that, but only that, we want back.

There is more than that; it is the souls of our own children which have been interfered with, because education, properly understood, is not only a matter of cyphers, or anything of that kind; but it is the formation of man, intellectually and morally, body and soul. Holding these views, the minority is bound by the most sacred duty to maintain in all their entirety their constitutional rights. An appeal has been made to conciliation. The minority of Manitoba has never refused to conciliate in matters in which conciliation can work. In fact, the Catholics have never been approached by the local government of Manitoba. We, on the other hand, did go to that government. We did go to them before the obnoxious law was introduced. We did go to them when it was under discussion. We did go to them after it was sanctioned. We did go to them once in a most solemn way. In the fall of 1894, the delegates of the minority, numbering over 500, went up to the government buildings, and prayed for relief in the most dignified and respectful way. The answer was that we had no rights, no grievances, and that it was useless for us to pray any more. The hon. Secretary of State asked the other day, whether the government of Manitoba had been approached in a friendly way by the government of Canada previous to the judgment of the Privy Council on the appeal. I answered that they had done it. And now, without going into all the circumstances in which the good-will of the Dominion government manifested itself, I will cite a particular instance in which the Manitoba government was approached in the most cordial and friendly way. During the session of 1894, a memorial from His Eminence Cardinal Taschereau and from all the other Archbishops and Bishops of Canada, regarding education in Manitoba and the North-west Territories, was presented to Parliament. Thereupon the government of Canada passed an Order in Council recommending that this memorial be transmitted to the authorities in Manitoba. The report of the committee upon which the Order in Council was passed and which received the approval of His Excellency, contained the following paragraph:

> The committee beg to observe to your Excellency that the statements which are contained in this memorial are matter of deep concern and solicitude in the interests of the Dominion at large, and that it is a matter of the utmost importance to the people of Canada that the laws which prevail in any portion of the Dominion should not be such as to occasion complaint of oppression or injustice to any class or portion of the people, but should be recognized as establishing perfect freedom and equality, especially in all matters relating to religion and religious belief and practice; and the committee therefore humbly advise that your Excellency may join with them in expressing the most earnest hope that the legislatures of Manitoba and of the North-west Territories respectively, may take into consideration at the earliest possible moment the complaints which are set forth in this petition, and which are said to create dissatisfaction among Roman Catholics, not only in Manitoba and the North-west Territories, but likewise throughout Canada, and may take speedy measures to give redress in all the matters in relation to which any well founded complaint or grievance be ascertained to exist.

Could any words more appropriate to the occasion, more respectful to the Manitoba authorities, be used to call their earnest attention to the alleged grievances? Could

an appeal to their sense of justice be made in more temperate words? And mark, this was an appeal in which His Excellency joined with his government and with the representatives of the minority! In fact it was the whole nation appealing to the Manitoba government. That conciliatory Order in Council was duly transmitted to the Manitoba authorities. What was their reply? The reply was again, as in the case of the petitions presented to them by the Catholics of Manitoba, that the minority had no rights, no grievances, no ground of dissatisfaction, and that "the executive of the province see no reason for recommending the legislature to alter the principle of the legislation complained of." That was the answer of the Manitoba government to the message of peace sent to them. That was before the issue of the last judgment of the Privy Council. Let me call your attention, hon. gentlemen, to other circumstances connected with this message. It had been transmitted to the Lieutenant Governor, with the request that "he will lay the same before his advisers and before the legislature of that province." The local government did not wait for the meeting of the legislature to send their answer. They took upon themselves to decide for the legislature. And as a matter of fact they did not lay that message before the legislature as they had been requested to do. If I am correctly informed it has never been laid since before the legislature. Had this communication been laid before the legislative assembly, as it was the duty of the government to do, that body would have received it after the rendering of the second judgment of the Privy Council. For the assembly met on the 14th of February, 1895, and the judgment had been delivered on the second day of the same month. And then, the legislature would have had an opportunity to consider at the same time the judgment and the conciliatory appeal made to them. Not only that opportunity was refused to the legislature of Manitoba by the government of that province, not only did they conceal in their pigeon holes the message of peace they had received for the use of the legislature as well as for their own use, but they put in the mouth of the Lieutenant Governor in the opening speech the following words:

> It has been held that an appeal lies to the Governor General in Council on behalf of the minority of this province, in as much as certain rights and privileges given by prior legislation to the minority in educational matters, had been affected by the Public Schools Act of 1890, and that, therefore, the Governor General in Council had power to make remedial orders in relation thereto . . . whether or not a demand will be made by the federal government that that Act shall be modified is not yet known to my government. . . . It is not the intention of my government in any way to recede from its determination to uphold the present public school system.

At the time that speech from the Throne was delivered, on the 14th February, 1895, there was no remedial order passed, the case had not even been argued; the local government had in their hands the message of peace to which I have referred; that was the time to place it for its consideration before the legislature which then met for the first time after its reception. There was no better opportunity to take advantage of the olive branch extended to them. Instead of that they concealed that message of peace and they sent in return a message of war. While forced to admit that the Catholics were right in their complaints, yet they said again, in the most solemn way that a government can use to speak to the country, they said again that they would not comply with the requirements of justice. They said in effect that they did not want to be approached in a conciliatory way; they did not expect anything but a remedial order—they courted it, as it were. That is not all. Before the remedial order was passed, Mr. Fisher, a prominent member of the legislature offered for the consideration of that body a resolution asking the House to declare that it was—

> Ready to consider the grievances referred to with a view to providing reasonable relief while maintaining as far as possible, consistent with that object, the principles of the present Act in their general application.

A more moderate resolution could certainly not be introduced, yet the government of Manitoba refused to accept the same and caused the following to be accepted as an amendment:

> That this House will by all means and to the utmost extent of its power resist any steps which may be taken to attack the present system.

After that, when the appeal was argued before His Excellency the Governor General in Council, the Manitoba government declared again, through their solicitor, that they would resist any attempt to relieve the minority from their grievances. At

this last moment had the government of Manitoba hinted the least disposition to enter into negotiation, that simple suggestion would have received from all parties the most favourable consideration. But the repeated rebuffs from the government of Manitoba left to His Excellency the Governor General in Council no other course to follow than the making of the remedial order. And so it was made, and this course will ultimately be approved by all sound minds. In transmitting that remedial order, the Dominion government did not fail again to speak the language of conciliation. Accompanying the remedial order there was a minute of the council in which an urgent request was made to the Manitoba authorities to deal themselves with the question so as not to run the risk of permanently divesting themselves of their authority in educational matters, but neither the conciliatory appeals of the minority, nor the conciliatory appeals of the Dominion government received the slightest response from the Manitoba government. In face of all those facts it is idle, nay more, it is perversion of the truth to say that the provincial authorities were not dealt with as courteously as the circumstances allowed. To-day, as in the past, the minority does not stand in the way of any settlement satisfactory to all parties. But it must be remembered that matters of conscience cannot be decided by yeas or nays. And since the constitution, as read by the highest tribunal of the empire, upholds our rights, we cannot be expected to shrink from the duty imposed upon us by the law of the land as citizens, and by the law of nature as parents.

There is another aspect of the question which calls for some remarks, but I have spoken to too great a length to permit me to deal with it extensively. I refer to the proposed commission of investigation. That idea seemed now to be abandoned, and very properly so. Yet I desire to state very briefly some of the reasons for which this commission should not be appointed. If it is proposed by this commission to investigate the conditions of the entry of our province into confederation, it is useless, because the first judgment has determined whatever rights we contended to have in that respect. That judgment cannot be reversed. If it is proposed to inquire into the rights we may have acquired since the union, it is useless also, because the second judgment has determined these rights, and no commission can reverse that judgment. If it is proposed to inquire into the working of our schools previous to 1890, it is useless, because the question at present is not a matter of discipline, regulation or administration, but a matter of right. It is the very existence of the schools that is at stake. The management of our schools, whether good or bad, would not change our right to have the schools themselves. If it is proposed to inquire whether the schools under the new law are Protestant or not, it is again useless, because the question is not whether the schools are Protestant or not, but whether the Catholic schools have been wiped out. This the second judgment decides in the affirmative.

The government of Manitoba have themselves declared such an investigation useless. In their answer to the Order in Council of 1894, they said:

> The questions which are raised by the report now under consideration have been the subject of most voluminous discussion in the legislature of Manitoba during the past four years. All of the statements made in the memorial addressed to His Excellency the Governor General, and many others, have been repeatedly made to and considered by the legislature. Under these circumstances, the executive of the province see no reason for recommending the legislature to alter the principle of the legislation complained of.

Moreover, this investigation could not at present be impartial, as too many changes have occurred since in the circumstances of the population, and amongst men, many of whom have now disappeared. It would cause more irritation than good, and whatever good could be accomplished by that inquiry would still be better accomplished by an amicable conference between all interested parties.

Hon. Mr. LOUGHEED moved the adjournment of the debate.

The motion was agreed to.

The Senate then adjourned.

THE SENATE.

Ottawa, Tuesday, 1st September, 1896.

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

NEW SENATOR.

The HON. ALFRED THIBAUDEAU was introduced and took his seat.

THE ADDRESS.

THE DEBATE CONTINUED.

The Order of the Day being read :—

Resuming the further adjourned Debate on the consideration of His Excellency the Governor General's Speech, on the opening of the First Session of the Eighth Parliament.

Hon. Mr. LOUGHEED said :—It has doubtless struck you during the proceedings of this House upon the debate that the paucity of the matter in the address has had no depressing influence at any rate upon the length of the debate. I fancy that the government of the day will not hereafter be justified in coming to the conclusion that it must necessarily follow that a short debate would take place upon a short address. However, the discussion upon the address seems to be lengthened out more by reason of the food for thought which has been elicited from the speeches made by the hon. the leader of this House and hon. the Secretary of State than upon what has been contained in the address. It was my intention, and I might say it is yet my intention, to make some criticism upon the position taken by the hon. the leader of the Senate in reference to his entry into this body, but I should like to preface what I am about to say with the fact that the flattering remarks made by that hon. gentleman upon the address in reference to the composition and ability of this body and the very courteous remarks which he has made in reference to his expectations regarding the transaction of public business by this body have almost disarmed me from any criticism which I might be disposed to make in regard to the attitude taken by that hon. gentleman previous to his accession to the position which he now occupies. I however would make sufficiently free to repeat what has already been said in reference to the gratification which it causes that the hon. gentleman has been selected to lead this House on behalf of the government of the day. It is unnecessary for me to refer to the very distinguished position which that hon. gentleman occupied in his native province. The reputation which he had as one of Her Majesty's justices in that province and the very eminent services which he rendered to the province of Ontario and more particularly to the Liberal party of that province during the long term which it was his good fortune to reign over the provincial affairs of the Liberal party and of the province of Ontario. I think a deeper tribute could not have been paid to this House by the present administration than the appointment of so eminent a gentlemen to lead the Senate of the Dominion of Canada. I therefore join in my congratulations in regard to the appointment which has been given him, and I beg to express the hope that he may be spared to lead the Liberal party of this Senate so long as they remain in power. I do not express any great hope that the latter event may be continued over any particular term of years. There is another matter which would have given this Senate, I think, equal satisfaction, and that is, that there should have been a like recognition of the services which the late leader of the opposition rendered to the present administration while occupying the position of leader of the opposition in this House. While we can congratulate the present leader of the government in the Senate, it is not in any way withdrawing from those congratulations in saying that it would have given the members of this honourable body equally great satisfaction had the exigencies of the Liberal party permitted their giving that very high and distinguished position to the present hon. Secretary of State. However, the exigencies of office have not so permitted, and we therefore have the equally good fortune to be led in this House by so eminent a gentleman as the present Minister of Justice. This debate has necessarily gone outside, to some extent, of the address, and subjects have been introduced into the discussion which may not be absolutely important to the discussion of the address, but yet are entirely pertinent to the questions which we are called upon to discuss in connection with the address. It is unnecessary to refer to

the fact that within the last three months a very important political conflict took place in the Dominion of Canada, and during that particular conflict, an important section of the fight was handed over to the present leader of this House. It was necessary for the Liberal party to adopt a policy, and I may say the policy announced was one of demolition—something had to be destroyed. The Conservative party had to be destroyed, the tariff had to be destroyed, and judging from the statements made on previous occasions by the Liberal party in reference to what they would do on their accession to power to the Senate, the Senate likewise had to be destroyed. The present leader, as I have said, was allotted an important section of this fight. He was to attend to the demolition of the Senate and in the letter of acceptance which he directed to Mr. Laurier the position was taken by him that it was necessary to do one of two things in reference to the Senate —either constitutional reforms might be made or it might become necessary to entirely wipe out that body. Now, in my far off home at the foot of the Rocky Mountains, when I read the eastern papers and noticed in them the declaration of war which my hon. friend issued against this hon. body, I must say I was somewhat startled. I have had the good fortune to have watched the political career of the hon. leader of this House and I was always particularly struck with the fact that he was a man of peace, that he was a diplomat who had achieved his political successes by pursuing peaceful methods, but when I found that this bellicose manifesto had been issued in which he indicated that his ideas ran in the direction of either reforming the Senate or wiping it out by one fell blow, I must confess that I was somewhat startled. It has not been my habit usually to come down for the opening of the session, but I must say that I had a certain measure of curiosity to reach here to be in at the death, but what was my surprise in finding that notwithstanding my hon. friend had taken that particular course and had announced it to the country and had enthused the followers of the Liberal party with the fact that this very radical measure was to be taken with regard to the second chamber—I say what was my surprise to find the very placid and serene sentiments which fell from the lips of that hon. gentleman in regard to the Senate in his speech upon the address on the floor of this House. I must say that I was gratified to find that my hon. friend took the position which he did. I was pleased to find that we were not to be entirely wiped out by one fell blow, but that some consideration was to be given to the past services which have been rendered by this body and the experiment was to be tried of the Senate paying proper respect in the future to the legislation which would be brought down by the present government. It became necessary, I have no doubt, for my hon. friend in the interest of party conflict to issue the declaration which he did in regard to the Senate and while we may not attach to it that importance which one perhaps is bound to attach to expressions of that character, yet I must say, without pursuing a course which would lead to any acrimony of discussion that it is really necessary that a body of this kind should endeavour to maintain, as far as possible, the dignity of the position which they occupy in the constitutional system of the country. This body is invested with a certain amount of power and discretion, freedom of will and independence of action and it is incumbent upon them to follow and also incumbent upon them to maintain as far as possible the dignity of this chamber against the reflections which may be made upon it by the supporters of the dominant power or the party who may be in opposition. I think I may safely venture the expression of opinion that this Senate would be wanting in its duty were it not to point out the fact that anything pertaining to a menace or a threat which would interfere with its freedom of action should certainly receive that criticism which parliamentary usage and constitutional practice would necessarily call for. A menace so made is not only unparliamentary but the subject has received considerable attention in the Imperial parliament in the past and with the permission of the House and again stating that I have no desire to introduce any asperity into this debate by reason of a statement which was made during the heat of a political conflict, yet I deem it my duty to place on record at any rate the usage which has been followed in reference to threats intended to influence the free action of parliament. I would refer hon. gentleman to a somewhat similar threat which is reported in the Imperial Debates

made by Mr. Canning in 1807, in which he indicated that if parliament would pursue a course contrary to the wishes of his government a dissolution would be immediately brought about and the members of this body would have to answer to their constituents. In dealing with that particular fact, Lord Henry Petty, afterwards the Marquis of Lansdowne, made this observation in the House of Commons:

> However that House might be attacked by the government—however it might be threatened—he, for one, relied on the manly spirit of the House, that no threat would be capable of influencing their deliberations, or altering their opinions.

And Mr. Whitbrae, a member of the Imperial House, said in reference to the same subject:

> The most pusillanimous parliament would not suffer itself to be deterred from the prosecution of its public duty by such a threat—the most indecent, indiscreet and unparliamentary that could possibly be thrown out.

Another case of a somewhat similar character will be found in the Imperial Debates of 1858 in which Lord John Russell used the following language:

> I cannot think, sir, that the evil to which I have referred will be remedied by the Earl of Derby saying that whenever he is thwarted in parliament—that whenever any view which he may advance does not meet with the approbation of parliament, he will at once advise Her Majesty to dissolve parliament, and using that threat as a means of coercing the actions of members of this House. I can conceive nothing more likely to damage the constitution of the country.

And at a more recent date a somewhat similar discussion took place in the Imperial House in which Mr. Disraeli referred to what he considered a threat that had been made by Mr. Bright in reference to the dissolution of the House:

> Why the right hon. gentleman has counselled the House to refuse any approbation of any of these amendments, and another colleague of the minister, the President of the Board of Trade, absolutely got up to-night and threatened the House with dissolution [No. 1] which was a most unconstitutional proceeding.

Mr. Bright, who was the minister referred to, in vindication of what he had said, repudiated that he had given expression to any such sentiment, and stated as follows:

> I certainly am not stupid enough to be guilty of, and which I undertake, without hesitation, to say the great majority of the House believes to be without foundation.

Hon. gentlemen, I hope, will pardon me for referring at length to those particular authorities, but, as I have said before, it is not desirable that in a body of this character where liberty of thought and freedom of action may be pursued irrespective of the political sympathies which may outside be adhered to by members of the House, that any menace of this kind should cause them to deviate in the slightest from performing the duties which they feel to be incumbent upon them. Now, my hon. friend in the remark which he made upon the address expressed very considerable apprehension in reference to the course which this House should pursue upon legislation which might be sent down to us by the present administration, and seemingly expressed his doubt as to whether the present composition of the House would permit legislation of that character to be passed. My hon. friend might not have been moved to such a degree of anxiety and apprehension had he referred to the hon. Secretary of State for his opinion on this particular subject, but might have received that measure of assurance which I find expressed in the speech of the hon. Secretary of State which I thought to have before me, but which I seem not to have, but which I assure the leader of the House would have given him considerable comfort. The experience of the Secretary of State in the past when he led this House was of such a character as to enable him to pay what I consider the highest tribute of regard to the disinterestedness of this House in dealing with measures which may come from a party dominant in the Commons but not in the Senate. My attention was directed and the attention of all hon. gentlemen I presume was directed to the state document which the other day was laid on the table of the House of Commons in which a statement was made that only five senators were to be found in this House belonging to the Liberal party. I certainly was moved with a degree of curiosity when I read that statement to ascertain who the enumerator of this particular census was that could only find five Liberal senators in this body. It also struck me at the time that there would be considerable jealousy among the thirteen Liberals of last session in this House to be-

long to this particular quintette. I am also curious to ascertain who the gentlemen were who composed the quintette referred to in the state document just mentioned. It seems to me that that very important duty must have been delegated to some hon. gentleman who was not very familiar with the political complexion of this hon. body and the charge might be brought against the Liberal party which was brought against the Conservative party some time ago that in the matter of taking a census that accuracy was not found which was necessarily expected of one who assumed that important duty. I am not aware of the five gentleman who are the fortunate possessors of the political sympathies referred to in this document, but I had the curiosity to peruse the list of senators which is furnished us, and to also make reference to the Parliamentary Companion in which will be found the political complexion of the gentlemen whose autobiographies are so interestingly written in that particular book. I beg to make the statement in the first instance that a public statement of the character to which I have referred is calculated to do an injustice to this House and that I am not travelling outside of the record I think when I endeavour to controvert the position taken respecting the political complexion of this House. Now in this list the first hon. gentleman that one meets is the hon. gentleman from King's. There has never been any question as to the political proclivities of that hon. gentleman; for many years through evil report and good report, he has followed the fortunes of the Liberal party and may certainly be classed in the quintette to which I have referred. Take the Nestor of the House, the hon. gentleman from Fredericton, one of the oldest Liberals, I believe, in the Dominion of Canada. No one can doubt the political sympathies of that hon. gentleman. Is he a member of this quintette? Then we come to the hon. gentleman from Albert, who lately sat on this side of the House, and whom we know to be one of the most consistent and most vigorous and one of the most uncompromising Liberals to be found in the Dominion of Canada. Then the next gentleman I find on the list is the senior member from St. John. We had the declaration of my hon. friend's political sympathies and opinions yesterday in regard to which there cannot possibly be any doubt. I wonder did they include my hon. friend in that quintette—in that number of five who appear in this particular state document? When I heard my hon. friend, the senior member from St. John making his speech yesterday, it did occur to me that there was another good man gone politically wrong, but on looking into the Parliamentary Companion, I find my hon. friend is there recorded as a Liberal.

Hon. Mr. DEVER—Always was.

Hon. Mr. LOUGHEED—And my hon. friend was not unconscious of the fact that he was so described and my hon. friend with that judgment which usually characterizes him states now that he always was a Liberal. If that is the case to-day we must include my hon. friend in the five so enumerated? Then the next on the list I find to be my hon. friend the Secretary of State. There surely could be no doubt as to my hon. friend being amongst the five. He for many years has followed the party in its fortunes and misfortunes; and in the sunny days of the party my hon. friend as usual received his rewards for the valuable services which he contributed. Then there is my hon. friend from St. John, who I am sorry to say is not here on the present occasion, he is ill, I understand, and detained at home. He is an old-time Liberal, a gentlemen who I undertake to say was a Liberal when many of the leaders of the Liberal party to-day were in swaddling clothes. I wonder if he is included in the list of five in this state document? Then there is my hon. friend, the senior member for Halifax, a Liberal in season and out of season, one of the most muscular and vigorous Liberals we can find. I wonder if he is included in that particular number. Then there is His Honour the Speaker, who has always occupied a most distinguished position in the Liberal party. There is my hon. friend from Rigaud—no one can doubt his Liberal sympathies. There never has been a question in this House when a party vote was to be taken but the fast train from Montreal would deposit my hon. friend here just in time to record his vote. Then there is my hon. friend from Westminster. What shall I say of him? I find him described in the Parliamentary Companion as thoroughly independent with an emphasis on the "thoroughly" and in favour of an equitable

Reciprocity Treaty. I was trying to reconcile my hon. friend's political course with the declaration which he has made of his independence. Now it never particularly struck members of this House that my hon. friend was pursuing a very independent course. I think if there is a robust thinker and doer in the host of Liberals in this House it is my hon. friend. When there was any attack to be made on the government in the days gone by my hon. friend was on hand to strike out from the shoulder and has always shown himself to be one of the most consistent Liberals in the party, and so far has he gone that he has inculcated into his family Liberal principles. He is proud—he has a right to be proud of being the sire of a very worthy scion who delivered a most interesting speech in the popular branch of this parliament in the present session and who gave no doubt as to the political principles which had evidently been inculcated into him from the days of his childhood. So I am disposed to ask if they included my hon. friend from Westminster in that galaxy of Liberal thought and Liberal support. Then there is my hon. friend from Erie—I do not see him present to-day but he has always been among the stalwarts of the Liberal party at all events for some years and he has voted consistently with that party. Then there is my hon. friend from Chatham —we have never had any doubt as to the political sympathies of that hon. gentleman. His political record certainly justifies one in coming to the conclusion that we can enumerate him amongst the Liberal party. That gives us twelve hon. gentlemen in this House who are pronounced supporters of this party and I would direct the attention of the hon. leader of the House to the fact so that he may be fully assured of receiving stronger support than that which he first anticipated and derive that measure of comfort which must necessarily flow from having so numerous a band of supporters in the Upper House.

Hon. Sir OLIVER MOWAT—I think the hon. gentleman has mentioned only eleven.

Hon. Mr. LOUGHEED—I think I have mentioned twelve. I forgot to refer to the hon. gentleman from Shellmouth. I hope the hon. gentleman will excuse me for overlooking his name in the list I have presented to the House.

Hon. Mr. BOULTON—No apology is necessary.

Hon. Mr. LOUGHEED.—The hon. gentleman from Shellmouth makes the thirteenth member of this gallant army of Liberals. I do not know whether they have included my hon. friend, but he has been the standard bearer—has been the fore-runner, the John the Baptist, so to speak, of the free trade policy which the Liberal party have been announcing throughout the country, and which I understand the leader of that party concludes has been pronounced upon by the majority of the electors. This does not take into consideration the gentlemen who have since come in, and who number some three or four, and the vacancies which have not yet been filled, so my hon. friend, the leader of the House, may in nowise be discouraged in spirit when he considers the number of hon. gentlemen who will rally to his support upon any measures which he brings up from the other House. During the discussion which took place upon the address, my hon. friend, the leader of the House, expressed some little dissatisfaction at the remark made by the hon. gentleman from Toronto, in regard to the acceptability of the public services rendered by the Senate in the past. I have no doubt my hon. friend had in view the alleged rejection, or the actual rejection, of certain measures presented by the Mackenzie administration. The reason I infer that those were the measures to which my hon. friend took exception, was by reason of the fact that since the defeat of the Mackenzie administration, and since this House was led by the Secretary of State as leader of the opposition, and ably assisted by the senior member for Halifax, I have no recollection, although this is my eighth session here, of their bringing any serious indictment against the usefulness of this body or against its political prejudices or sympathies. I think that you may peruse the debates of the House without finding this House indicted for any high crimes or misdemeanours of a political character during that period. Considerable has been said regarding the rejection of certain measures during the Mackenzie administration. I will take the freedom

of referring to four or five measures which received considerable attention during that time, and concerning the rejection of which the Senate has been accused on various public occasions of endeavouring to defeat the legislation of the then dominant party in the House of Commons. Mr. Mackenzie came into power in 1873, and the first session was in 1874, when an occasion presented itself of the Senate showing any obstructive legislation to the Mackenzie government. The first bill that was rejected by this hon. House, which was sent up from the House of Commons under the Mackenzie administration, was a bill relating to the elective franchise of Prince Edward Island. Perhaps hon. gentlemen who were then in the House may remember that when the provinces came into confederation, the elective franchise which then obtained was continued for the time being, and the same applied to Prince Edward Island. After Prince Edward Island came into confederation, a bill was introduced in the House of Commons to provide that this particular elective franchise should be changed, and the bill then proposed was changed so as to deprive a large number ——

Hon. Mr. FERGUSON (P.E.I.)—One-half.

Hon. Mr. LOUGHEED—My hon. friend says one-half of the electors of that province of exercising their franchise. Certain amendments were made by the Senate in that measure and they were afterwards adopted by the House of Commons, so that it will not lie in the lips of those who express a feeling of want of confidence in the Senate to say that there was any marked difference between the Senate and the House of Commons on that occasion, because we find the House of Commons concurring in the amendments made by the Senate. The next measure which received any attention was what is known as the Tuckersmith bill. I do not think that hon. gentlemen who are prepared to attack the Senate to-day for its action relative to that bill will attempt to justify the action of the Liberal party relative to that matter. I might say that the Tuckersmith Bill proposed tacking on to one of the electoral districts in Huron, a township of 200 voters, then belonging to another electoral district in the same county. In the general election the gentleman who was returned for the first district of the county of Huron, to which I have referred, had his election protested, and, anticipating that upon the protest his seat would be declared vacant and that he would have to confront again the electors, took the particular course to which I have referred of bringing in a bill to tack on to his constituency the township of Tuckersmith, by which he would have secured, as he thought, 200 votes, which were favourable to him and of course would have resulted in his return. But those 200 electors had already voted in another electoral district in Huron, and very properly when that bill came down to this House it was rejected, and I do not think that you will find in the debates, from that time down to the present, any justification of the course which was then pursued in the Commons. The sequel established was that the member was unseated and, going back to his constituency, was defeated. This would alone justify the steps taken by the Senate.

Hon. Mr. POWER—Perhaps the hon. gentleman is not aware that the township of Tuckersmith had just before that been taken off the electoral district to which it was proposed to tack it on again.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. LOUGHEED—That might have been. My hon. friend does not say they were justified in doing that at the time. If there was a redistribution of seats, and the township of Tuckersmith had been placed in another constituency, and the electors of that township had voted at the general election, would my hon. friend say they were justified in tacking that on to another constituency in which there was to be another election, and those same electors be permitted to vote for two members—one vote for the sitting member for the riding to which they belonged, and also a vote for the member whom it was thought at the time would be unseated, and who was afterwards unseated and defeated? Now, that disposes of the measures rejected in 1874 by the Senate, and they were certainly not of a formidable character, when one considers the apprehension and anxiety expressed by the political power of that day in reference to the action of the Senate. In

1875 the Esquimalt and Nanaimo bill was rejected by the Senate. I do not think the hon. gentlemen present will seek to vindicate the passage of that bill, or to find fault with the action of the Senate in regard to it. At that time it was thought, and I understand the bill was passed by the Commons in anticipation of the fact, that it was impossible to construct the Canadian Pacific Railway. It proposed to build a line of railway on Vancouver Island, parallel to water communication open the whole year round, and in addition to that, there had been no survey of the route, or estimate of the cost of construction made. There was the further fact, that the Hon. Geo. Brown, who was then practically the leader of the Liberal party, opposed the passage of that particular bill. In 1875 the County Court Judges Act of Nova Scotia was rejected, on the ground that it was thought the legislature, which was then going out and which was a moribund legislature, had passed this Act and its action would not be confirmed by the succeeding legislature. But the succeeding legislature seemingly adopted the course which had been pursued by its predecessor, and the following session the bill came up and was passed to this House. Immediately it became discernable by this House that the will of the people desired that this particular bill should be passed, it was duly passed. Notwithstanding the opinion which this House had held upon the subject, they at once bowed to the popular will and passed the bill. Then the Common Carriers' bill came up in 1875, and it only received a first reading, but the hon. Secretary of State at once admitted that the bill was not properly drafted, nor had it received that mature consideration by the government to which it was entitled, and he apparently consented to the withdrawal of the bill, or conceded, at any rate, that the Senate was justified in the course it pursued. As far as the records show, these are all the measures that were rejected or received adverse treatment by the Senate during Mr. Mackenzie's administration, and I think this fact alone stands out as one of the best records of the impartiality with which this body will approach legislation brought down by a dominant party in the House of Commons with which the majority in this House may not be in political sympathy. I desire to refer for a moment—I hope I will not be tedious in doing it—to the action taken by the present Government in relation to the Governor General's warrants. It seems peculiar, in regard to a subject about which the Liberal party took so strong a ground as they did with Governor General's warrants, that they should be first, in fact, to show their inconsistency by going further than any Conservative government ever went in raising public money by this particular mode. My hon. friend the leader of the House seeks to justify the course by placing an interpretation on the Act which, I think, is not justifiable, an interpretation which, if referred to judicial authority, would not be supported. Perhaps the most intelligent way to discuss this question would be to go back to the originating step which took place in regard to the exercise of this particular power. According to the papers laid upon the table, we find a communication passed between the Premier and Minister of Justice on the 14th July, 1896, and if the hon. gentlemen will peruse the letter which Mr. Laurier sent to the leader of this House, the Minister of Justice, they will find that not within the four corners of that particular communication will be found any ingredients which would justify invoking the aid of the particular section which has been quoted in justification of the course pursued by the government. The letter reads as follows :

> My dear Sir Oliver,—It is suggested to me that unless the civil employés are paid their regular salaries, the public service will be subjected to very serious inconveniences. These inconveniences would more particularly arise in the case of that class of employés who are wage earners on railways, canals and other public works.
>
> I would ask you to look into the question and to give me your opinion as to whether a special warrant can be issued to provide for the payment of those servants of the government.

Now the premier of the Dominion submits the case to his Minister of Justice. Only "serious inconveniences" were alleged. It never appeared to strike the premier at that time, that in order to raise this money it would be necessary to introduce into the case which he made out a certain class of contingencies mentioned in subsection *b* of section 32 of chapter 29, but my hon. friend the leader of the House at once came to the rescue. His technical ability, his facility of resource, his experience of political life, at once permitted

him to furnish the ingredient which was so much required ; and we do not find my hon. friend in his letter of the same date justifying the course which it was proposed to pursue on the ground of serious inconvenience the ground advanced by the premier. My hon. friend will not say to-day that the ground of "serious inconvenience" is a ground which would warrant the exercise of this particular power. My hon. friend might have sent this back to the premier of the Dominion, and told him to make out a better case. I have no doubt the premier could have made out a better case, if he had been told that it would be necessary to do so before the Governor General's warrant could be invoked, but my hon. friend introduced the ingredient of "urgency" in the reply, and we find it reading as follows :

I think the payment of employés is urgently and immediately required for the public good.

Now, the premier in his letter did not state that these moneys were urgently and immediately required. There was not a word, nor an intimation of that fact, but we find the hon. leader of the House introducing this particular element, to some extent bringing it within the four corners of the statute ; but what I might point out to my hon. friend is this, that the exercise of this particular power is safeguarded and surrounded in such a way as to protect the public interests as far as they can be protected in such a contingency, and we find that a report has to be prepared of the particular minister who requires to invoke the aid of the statute and that report is to be vouched for by the Minister of Finance. The reading of the Act is as follows :

Or any other occasion arises when any expenditure not foreseen or provided for by parliament is urgently and immediately required for the public good, then upon the report of the Minister of Finance and Receiver General that there is no parliamentary provision and of the minister having charge of the matter that the necessity is urgent, the Governor in Council may do so and so.

Was it ever contemplated by parliament, when this Act was passed, that any contingency should arise by which concurrently every department of the public service should require to invoke the Act? If it had been so intended that every department of the government should invoke the Act, the Act would simply say that the Governor in Council could do so and so, and again I would ask my hon. friend, as the Minister of Finance must in each case vouch for the accuracy of the report of the particular minister who requires the money, what is he going to do in the case of the Minister of Finance himself who requires to invoke the aid of the Act? Now, in reference to the issue of the Governor General's warrants, I find that the Minister of Finance had to place himself in precisely the same position as the other ministers of the Crown ; consequently that safeguard which applied to the other departments of the public service, namely the vouching for the accuracy of the report of the other minister could not possibly apply in the case of the Minister of Finance. Who was going to vouch for him? Is the Minister of Finance going to vouch for the accuracy of his own report? I say this established beyond all peradventure, to my mind at any rate, that it was never contemplated that this right should be extended to the whole service of the government. There is, furthermore, this consideration, that if my hon. friend be right in saying that when money is urgently needed and that it has not been provided for in the public estimates, he has a right to invoke the aid of the statute, he entirely usurps the functions of parliament and supersedes that body in pursuing this course. I say that it is adverse to the fundamental principle of all constitutional government, and the test of the argument submitted by my hon. friend that the government were justified in raising this money by Governor General's warrants lies in this—if you carried it to its logical sequence where is it going to lead? The test the government were justified in raising this money by Governor General's warrants lies in this : If you carried it out to its logical sequence, where is it going to lead? If my hon. friend is right that two elements are necessary, namely, non-provision and urgency, then I say on all occasions when parliament is not sitting, such occasions as those referred to may arise and the very fundamental principle of constitutional government is at once violated and the Governor in Council may vote the supplies instead of parliament. Now this may be regarded somewhat as an academic question, and it may be contended that no moral principle is involved, but I am safe in making this statement, that in the evolution of government from its most despotic form down to the constitutional system which we enjoy

at present, there is no question which received more attention, no question for which the people fought harder, than the question of the Commons voting supplies. It has always been regarded as the supreme right of the Commons so to do, and is to-day so regarded. If this argument is to prevail you may as well abdicate your functions as legislators, and the Governor General may as well usurp the power of parliament and vote supplies, and power may as well be handed over to him entirely to issue Governor General's warrants for the expenses of government. My hon. friend referred to his being allowed to place a particular construction on the general or omnibus paragraph in that section. I submit, with all due deference to my hon. friend, that there is a canon of construction applicable to every statute, and that where a specific class of cases is enumerated, as in this particular case, the general provision which follows must be restricted to that particular class of subjects. If my hon. friend will refer to Maxwell on Statutes, a well established text book on such a question, page 469, he will find this canon of construction :

> But the general words which follow particular and specific words of the same nature as itself takes its meaning from them, and is presumed to be restricted to the same genus as those words ; (*a*), or, in other words, as comprehending only things of the same kind as those designated by them ; unless, of course, there be something to show that a wider sense was intended.

There is another question to which I would invite the attention of the House, and that is the rather extraordinary proposition laid down by my hon. friend the Secretary of State in regard to the Manitoba school question. We all have a very lively recollection of the feelings expressed in former sessions by my hon. friend upon this particular subject, and he very properly said, when he spoke upon this subject, that he had very strong feelings upon it ; but we certainly were not prepared to have the announcement made, particularly by that gentleman this session, that it is not within the power of the Federal Parliament to pass remedial legislation. If that be the case, I should like very much to know if he is supported in that view of the case by his colleagues. My hon. friend said it was idle to talk of a Remedial Bill.

Hon. Mr. SCOTT—To the extent that the minority hope for. A naked bill might be passed. I am speaking of a substantial bill.

Hon. Sir MACKENZIE BOWELL—But the bill did not contain all the provisions asked for?

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—And still the minority were satisfied.

Hon. Mr. LOUGHEED—I do not think, in the wildest moments of fancy, that it was ever supposed by any member of the federal parliament that all the rights which the minority had enjoyed before could possibly be restored. The Remedial Bill, which was submitted to the House last session, did not contemplate restoring all the rights which were sought, but an expression of opinion was made by the minority that they were perfectly satisfied with the bill. I am simply dealing now with the legal proposition made by my hon. friend, the Secretary of State, namely, that it was idle to talk of passing the Remedial Bill. If the federal parliament has not power to legislate upon this subject, then I ask my hon. friend why is any reference made to it in the speech?

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. LOUGHEED—If this is something removed beyond the domain of the federal parliament, why should any reference be made to it at all? Why should those transactions or negotiations be now pending between the government of Manitoba and this government? My hon. friend surely must not have acquainted himself with the position taken by the Prime Minister on this subject, or he would have learned the fact that that gentleman expressed himself as follows in St. Rochs, in the province of Quebec, just previous to the election :

> If the people of Canada carry me to power, as I feel convinced they will, I will settle this question to the satisfaction of all the parties interested. I will have with me in my government Sir Oliver Mowat, who has always been in Ontario at the peril of his personal popularity, the champion of the Catholic minority and of separate schools. I was put in at the head of a commission where all the interests at stake will be represented, and I assure you that I will succeed in satisfying those who suffer at present. Is not the venerated name

of Mr. Mowat also the guarantee of the success of this scheme?

And, then, in the end, if conciliation would fail, I would have to exercise the constitutional resource which the law furnishes, a resource which I will exercise completely and in its entirety.

Now I should like to know how it is that my honourable friend differs so very radically to-day from the declaration so solemnly made by his leader at that particular time? I say if my honourable friend takes that position, and his colleagues agree with him, then the position that they are now taking in regard to the settlement of this question is inconsistent and irreconcilable; but my honourable friend found it necessary to rather throw the responsibility upon the Privy Council than upon even the late government, or upon the position taken by the present Government. A favourite theme of my hon. friend's is the incapacity of the Privy Council to adjudicate upon constitutional questions of this sort. I have always believed that the Judicial Committee of the Privy Council had the entire confidence of the people of the colonies in its ability to adjudicate upon this and kindred subjects. A body selected from amongst the most eminent lawyers of the empire, removed from the seat of passion, not being in any way influenced by the political prejudices and traditions of legislative bodies or even of colonial judges who at one time may have participated in the conflict of politics, no men in the wide world are calculated to adjudicate upon questions of this kind better than the Judicial Committee of the Privy Council, both in regard to the ability which these gentlemen possess and in regard to their removal beyond the seat of conflict and all feelings and sympathies. It seems to me, therefore, rather a peculiar thing, rather an inconsistent act, that a minister of the Crown should, in his place in parliament and vested with that authority with which a minister of the Crown is supposed to be vested, and voicing not only his own sentiments but the sentiments of the government to which he belongs, should make an attack on the Privy Council. The only thing I could not understand in that attack was which judgment he was dissatisfied with. I venture to say my hon. friend was probably dissatisfied with the first judgment, which was thought by some to be the more able judgment of the two—or was my hon. friend dissatisfied with the second judgment, which declared that the Governor in Council had power to grant redress to the minority? Was my hon. friend dissatisfied that the Privy Council should embarrass the government of the day, or any future government, by holding a doctrine of this character and thus throwing upon them the responsibility of settling a vexed question of this kind?

Hon. Mr. SCOTT—I think I was perfectly clear on that subject. My hon. friend may recollect that I have scored the Privy Council on many occasions on their first judgment.

Hon. Mr. LOUGHEED.—My hon. friend did attack the Privy Council on a former occasion, but my hon. friend is in the position of many litigants who are disappointed with the result of a judgment. I have no doubt my hon. friend the Minister of Justice, when he occupied a position on the bench in Ontario, has had his judgments criticised in a similar way. I do not think that one can express the hope that humanity will arrive at that very happy stage of advancement, when they can reconcile themselves to disappointments of this character; but this I make free to say, that a member of this House, and particularly a member of the government, is not justified in attacking the highest judicial body in the realm and the very source of jurisprudence from which the colonies, on vexed questions of this kind, must receive direction and authority. I have referred to the rather inconsistent position taken by my hon. friend the Secretary of State on the schoool question, and expressed myself as labouring under a difficulty as to how his conclusions should become so modified in a short time. But my hon. friend, in the same speech, advanced an astounding doctrine, and ushered in what I might term a new ethical political faith, that individual members of a party upon their coming together were in no wise bound by the declaration of political belief which they had expressed directly previous to their coming into power. This to my mind was a most startling proposition of political ethics. That the leaders of the Liberal party should have declared three months ago their unbounded belief in a certain policy, that they yesterday should have committed themselves solemnly and without any equivocation to a particular line of policy, that before the

echo of their voices had died out they should when in power, utterly repudiate being bound by those same declarations, is to my mind one of the most startling propositions in regard to the political course that public men should take that I have ever heard. It was said that the Romans placed the temple of Fame behind the temple of Virtue, so that one reaching the temple of Fame would have to pass through that of Virtue; but it seems to me, if the proposition advanced by my hon. friend the other day in this debate is to prevail, if instead of public men having to travel in the road of say consistency and sincerity and of truth for the purpose of reaching political fame and political power, they can with equal facility travel in the road of insincerity and of inconsistency and of hypocrisy, and reach the same elevated stage of public life, then I say we are placing a standard before the youth of to-day which is not of the highest character, and that we have verily fallen upon evil days. If there is anything which commends itself to civilization, it is sincerity and consistency in regard to declarations of political faith or belief which may be made by public men, but it is quite evident that this doctorine, which has been advanced by my hon. friend, was applied with some degree of success in the late contest through which political parties have passed in the country. The positions taken by the leaders of the Liberal party were certainly irreconcilable, because we find one doctrine propounded in the province of Quebec and the very opposite propounded in the province of Ontario. We find one political doctrine advanced for the French, and another for the English speaking people of the Dominion. We find those gentlemen sailing east by west, and north by south, and I say that no wind was ever more shifty, or could reach a different quarter more quickly than those hon. gentlemen in the political contest through which they have just gone. All the shades of the chameleon have been observable in regard to their political policy, and we are not surprised to day when my hon. friend comes down and states that adhesion practically will be accomplished by the unification of all the fractured and separate parts of the body. I can well understand my hon. friend feeling a degree of satisfaction and certainty in regard to the stability of the party in the future, when he can reconcile that doctrine which he has propounded with the extraordinary course which has been pursued by the Liberal party in the many-sided policies it has adopted and proclaimed before the country. There is one particular omission in the address—or, at least, the address has been remarkable for an omission to which I must allude, and in which I have some little interest. There was no subject, during the late elections, which was so widely advanced and so emphatically proclaimed by the Liberal party, especially in that western country, as the fact that particular attention would be given to develop western interests, and we find no explanation in the address before us in regard to the omission of any representation whatever of that immense and very important section of the Dominion. One would have fancied that those hon. gentlemen, with a view to reconciling western opinion to the disappointment which it must necessarily have felt in being entirely omitted from representation in the cabinet, would have made some reference, direct or indirect, to the intention of the government on that subject; but we find an utter absence of explanation, and since this House met no explanation whatever has been made upon that matter. For many years both sides of the press in the west, and both political parties, were a unit in demanding from the government representation for that great country in the cabinet. They recognized the utter impossibility of that country making any progress except there were in the councils of the people some western representative who could speak with authority upon western subjects. They recognized that so long as the government of the day showed such an indifference to that vast country as not to invite one of its representatives into the cabinet, so long would that indifference prevail, and western success be retarded. Consequently, we find the late Sir John Macdonald in 1888 inviting the Hon. Mr. Dewdney into his cabinet; and from that time down to the accession to office of the present government the right of the west to representation in the cabinet has been recognized without any exception. For some years my hon. friend from New Westminster expressed himself in the most emphatic terms on this subject. He demanded not only representation for that section of the country which had received it, but also for British Columbia. My hon.

friend fulminated, like Jove on high Olympus, hurling his thunderbolts at the government for not giving representation to British Columbia. He revelled in fierce denunciations against the government for not inviting a representative from British Columbia into the cabinet. I will not say that my hon. friend was impelled by any personal motive. I have no doubt so doughty a champion of the Pacific province felt it was incumbent on him to demand in this House that particular attention should be given to the Pacific province, but I have no doubt my hon. friend, in passing moments would permit his fancy to take wing, and would satisfy himself that the law of compensation, in course of time, would reward him for the activity he showed in advocating the claims of British Columbia to cabinet representation. But what do we find? Do we find the late government—the government which he accused of entirely ignoring the demands and the appeals of the west c osing its ears to British Columbia for representation? No. We find that British Columbia was given representation in the late cabinet. An important portfolio was given to a gentleman of that province, a portfolio now held by one of the most influential members of the present government, but no sooner did the late government indicate its willingness to accede to the demands of British Columbia, than my hon. friend from New Westminster was one of the most active men in the fray to oppose the return of that minister to Ottawa. The course of the present government, in ignoring western representation, is to my mind something which demands an explanation so far as the west is concerned—why the government should have pursued the course which they have done, why they should ignore the precedent established in the past, why that immense country west of Lake Superior through to the Pacific Ocean should be without representation in the cabinet? I have no doubt that my hon. friend the leader of the government, may possibly say that they intend, in course of time, to give the portfolio of the Interior to a Manitoba gentleman and thus give the west representation. There is one particular phase about holding this portfolio of the Interior in suspense, and I submit in all sincerity to this House that it is to be condemned in the strongest possible language. I say there is nothing more calculated to subvert provincial autonomy, and to sap the very fundamental principles of government, as the course that is being pursued in regard to this particular matter. This portfolio is being hung up between heaven and earth in the eyes of the public men of Manitoba. There is no doubt that it is being made a commodity of exchange for services to be rendered by some of the Liberal leaders in Manitoba in regard to the settlement of the school question. I say that the dignity of the province of Manitoba is being compromised by this auctioning off, on a political sale block, of a portfolio which belongs to the west and by which this government hopes to receive from the highest bidder among the public men of Manitoba such assistance as will permit them to successfully deal with the school question and will help them in the abortive attempts they have been making in the past to settle that very important question. The late government was accused of coercion in regard to the province of Manitoba, but if you choose to use the word coercion—which I say was a misnomer in regard to the course which was being pursued by the late government—but using that name, the bitterest opponents of the late government never accused them of practising coercion dishonourably or dishonestly. But will hon. gentlemen consider for a moment the class of coercion, and the particular phase of coercion, which is being pursued by the present administration in regard to this particular subject. I have yet to learn that coercion, enforced by the sanction of a statute, is a questionable class of legislation, but when you take into consideration the questionable adroitness which is being practised by the present government in regard to this particular question, I say it is to be denounced in very strong language. This portfolio of the Interior is being held up as a tempting bait, and the public men of Manitoba are to be cajoled by this government into using their best efforts to settle this question with the province of Manitoba—what for? In the public interests? To stop this agitation which has extended from the Atlantic to the Pacific and which has resulted practically in the defeat of a government? No, but that the man who renders the best service to the government in the settlement of this question may receive this precious portfolio of the Interior which, as I say, has been hung between heaven and earth, since the re-

signation of the late government, with a view to making it a lever for the purpose of elevating some man in Manitoba to power and relieving the government here from the tension in which it finds itself by reason of that vexed question. The premier in his election speeches, promised that this question should be settled in the sunny ways of peace. When one takes into consideration the very adroit course which has been pursued, the very questionable course which is being followed by the present government, to attempt to effectuate a settlement of this question, I suppose we are justified in saying that the sunny ways of peace are being pursued in regard to this matter—that we are safe in saying that the conciliatory methods are thus being adopted, that the First Minister is exercising those blandishments, which are so characteristic of his political conduct, in the settlement of this question, so there will be no friction and no difficulty in the matter of settlement. But I will say to the hon. gentlemen, though they may be the sunny ways of peace, though they may be conciliatory, though they may be seductive as the song of the siren; yet these are the ways by which the serpent beguiled Eve, and these are the ways which played a very prominent part when Judas betrayed his Master. Fence with language as you may, and denounce the late government for pursuing coercion or endeavouring to enforce the rights of the minority of Manitoba in a statesmanlike way and brand that as coercion, yet when it is compared with the course which is being pursued by the present administration of endeavouring to obtain a settlement by subterfuge, I say the course pursued by the present administration is marked by the slime of the trail of the serpent. I have strong hopes that this question may be settled very speedily. I do not make any prediction upon it. I do not express my sympathies one way or the other, except on the fact that there may be a speedy settlement, and the asperities and the accrimony which have been created by this question for so long a time should be removed and that those good feelings which have prevailed hitherto between parties may be restored. I would ask my honourable friend to explain why British Columbia has not been given representation. I have no doubt Manitoba will be given representation in the new government, but why was British Columbia overlooked? As was before said, the precedent was established and it is well recognized that those parts of the Dominion which receive representation in the cabinet should continue to receive representation, even though a new government should come into power. My hon. friend, if he is gracious enough to make an explanation of the absence of a representative from British Columbia, can scarcely say the people of British Columbia do not want representation. He can scarcely say that the members of the Dominion House from the province of British Columbia do not want representation. He can scarcely say that there is an absence of ability amongst the members from British Columbia to properly represent that province in the Dominion of Canada. I would remind my hon. friend that there is the hon. gentleman from New Westminster, who has rendered very important service, that it was he who rallied the Liberal forces during the late elections; he marshalled his cohorts and led them to victory, and he came down here some time before the session was opened to receive his reward. Up to the present time he apparently has not received it. I hope there will be a due recognition of that hon. gentleman when British Columbia comes to be represented in the cabinet of the Dominion. I have a very high opinion of his vigour and activity in pressing the claims of his province, which is contiguous to the district of country in which I live, and I shall certainly be one of the first to congratulate him and the government upon such an accession to the ministerial ranks as would be the hon. gentleman from Westminster. I had hopes, when I came down here, living in the western country and watching anxiously for its progress, desirous of seeing the government take an active interest in those great questions which relate to the development of that country—I was anxious to see some indication of the good faith expressed by the government in regard to what they proposed to do relative to the policy to be adopted in the development and opening up of the Northwest. But I must say that I was disappointed. Instead of an attempt being made to fulfil the declarations which were made during the elections, and the many promises which were made to the people of the Northwest, which to-day they look for a fulfilment

of, I must say I was not prepared to find an absolute ignoring, so to speak, of all representation in the cabinet and of all interest and attention to that great country. I say there is no question in the Dominion of Canada to-day that is of more importance than the question of the proper development of that great country, and I hope the present government may recognize its importance. I hope they may see their way possibly to appoint a commission—because a commission apparently is a very favourite mode of settling all questions with the present administration—to inquire into the needs and public requirements of that country, and to adopt a policy which may be commensurate with its importance, and which, I am satisfied, would be productive of the best possible results to the whole of Canada. I hope that the fact of the omission of cabinet representation of that western country may be due more to political exigencies than to any other cause, and that in the near future we may have the good fortune to find the government sufficiently aroused to the importance of that great country as not only to give it the cabinet representation which it enjoyed in the past, but to give very much closer attention to the development of that country than any past government ever did. I hope, hon. gentlemen, that the next session may result in a more substantial bill of fare being presented to us in the address from the Throne than the address of the present session. I hope that when that address is brought down, foreshadowing the policy of the government, that it will meet the expectations of the public in view of the many promises made by the present government during the recent election campaign, and I hope those promises made by that government will be fulfilled and that the happiest results possible may flow from the present administration.

Hon. Mr. WOOD.—I shall not trespass on the time of the House by dwelling at any length on the variety of questions which have been referred to by previous speakers, and which have already received as full consideration, and been as fully discussed, probably, as it is wise or proper that they should be. I shall ask, however, the indulgence of the House to permit me to join my congratulation with those which other gentlemen who have preceded me have offered to the hon. gentleman who is, at the present time, leading the House. I desire to congratulate that hon. gentleman on his appointment to this chamber. I feel that this House, and the country, should be congratulated upon that acquisition to our members, and I am sure that we all feel a great degree of satisfaction in knowing that our deliberations here, in the future, will be aided by a gentleman who has had such a long experience of parliamentary life in Canada, who has exhibited such great ability, and who has such a high character in the province from which he comes, and throughout the whole Dominion, and above all, whose patriotism and loyalty are so unquestioned. I have listened with a great deal of interest to the remarks which he addressed to the House in the opening of this debate, and I fully endorse almost everything that that hon. gentleman said. The complimentary remarks which he made with reference to the older members of this House were well deserved, and, as this debate has shown, they were highly appreciated. There was only, perhaps, one cause for regret in connection with the remarks which the hon. gentleman addressed to the House, and that is that he considered it necessary at all to reflect upon the independence of the members of this chamber. The hon. gentleman who has just addressed the House has entered into a lengthy defence of the action of this House on all questions that have come before it, and it is not necessary for me to say anything further, except to assure that hon. gentleman that I believe any suspicion which he may entertain that legislation presented to this chamber will not receive fair and proper consideration, or that the members of this House will be influenced by a party spirit, are entirely unfounded, and I feel confident that his experience in this House will very rapidly dispel such fears, if he still entertains them. There is only one clause in the address to which I desire to refer, and that is the clause which relates to tariff reform, and with regard to that clause I merely wish to make this observation: we are promised at the next session of parliament a measure for tariff reform; and we are told that in the meantime this will be made the subject of careful inquiry, with a view of preparing that measure. The objection which I have to this statement is that it is entirely too vague and meaningless. That statement, as it stands,

may mean a great deal or it may mean nothing. We may expect at the next session of parliament a radical change in the fiscal policy of the country, or we may expect some trifling changes which would not materially alter the existing condition of things. While I am not one of those who claim that the government should at this session of parliament introduce a tariff measure, or make us acquainted with the details which they intend to introduce in any measure which is to be down next session, or the particular items where reforms are to be carried out; yet I do claim that they should at the present time, agree among themselves, and inform the House and the country upon the principles on which they intend to proceed in making that reform; that they should tell us whether, in revising the tariff, they intend to adhere to the protective principle, and whether, if they intend to adopt a revenue tariff, that revenue tariff should have incidental protection connected with it, or whether they intend to proceed to frame a revenue tariff with a view of wiping out the protective principle entirely, or whether, again, they intend to adopt the views of the hon. gentleman from Shell River and my hon. friend from St. John, and frame a tariff adopting the free trade principle as it is in England, or as near to it as is practical in this country. I claim it is due to the House and country that we should have a clear and explicit declaration of the principle upon which these gentlemen propose to proceed before this session closes. There is only one other subject to which I shall refer, and that also has already been referred to by hon. gentlemen who have preceded me. I consider, however, that it is a subject of very grave importance, and one which should receive the careful consideration of our public men, and that is the relations between the Local and Dominion governments in this country, and how far the action of the one should be influenced by the other. I am aware that upon this subject there is a good deal of diversity of opinion. There are those who claim that in our provincial—and I believe some will hold that in our municipal affairs—parties should divide on Dominion lines. I believe, however, that this view is held by those who are influenced generally by strong partisan feelings, that the more moderate men of the country rather desire to see our Provincial and Dominion politics kept as clearly distinct from each other as possible. I am, myself, strongly of the opinion that our Dominion and Provincial affairs should be kept as distinct as possible from each other, at least as far as they practically could be. I am aware that there are difficulties in putting this theory into practice. I am aware that persons who entertain strong opinions on Dominion subjects, or feel a special interest in the success of one of the great political parties in this Dominion, may find it hard to prevent those feelings from influencing their action in dealing with provincial matters. Yet I believe that when the effort is made to do so, these difficulties are not so great as they would at first appear. These two legislatures, the Dominion parliament and the Provincial legislature, have entirely distinct classes of subjects to deal with, and I, for my part, can see no reason why a voter who is a Conservative in Dominion politics might not consistently support a gentleman who was a Liberal in provincial politics, or *vice versa*. I believe myself, that it is for the good government of this country in the future that this rule, as far as possible, should be observed. Now, to those who entertain this view, some of the events of the last few years are calculated to excite some apprehension, if not alarm. For instance, in the election contest of 1891 members of the provincial governments throughout the different provinces, took a very lively and active interest; and in one at least, Quebec, the treasury of the province was to a large extent laid under contribution to help to swell the campaign fund. Again, in 1893, we had a convention of one of the political parties of the country in Ottawa. The premiers of the different provinces were present and took an active part in that convention. The hon. gentleman who is leading the House at the present time, I believe presided over the deliberations of that convention, and the object of that assembly was not to consider matters of provincial interest, but to frame a policy and to devise means by which to effect the overthrow of the Conservative party, which was then in power in the Dominion. I do not wish to be understood to hold the opinion that gentlemen who occupy the position of premier in the different provinces, or are connected with the governments of the different provinces, should not be at perfect liberty to take part in Dominion

election contests. I concede freely the right which they, as all other men, enjoy of exercising their franchise and expressing their opinions, and in every proper and legitimate way endeavouring to influence public opinion in the settlement of all Dominion issues. What I do object to is, and what I wish now to direct the attention of hon. gentlemen to is the abuse of the power and influence attached to those positions by using them for other than provincial purposes. For instance, as in the case to which I have just referred, where the premiers and other prominent persons connected with the governments of the different provinces not only met in convention and took an active part in the proceedings, but accepted prominent positions and actually took part in the organizations throughout the provinces which were to carry out the plans of the party, and in anticipation that they would hold seats in the government in case their party was successful in the elections, they have used the power and influence and patronage of those local governments from that time till now constantly and steadily, with a view to affecting those results.

Hon. Mr. PROWSE—Hear, hear.

Hon. Mr. WOOD—What I wish to direct the attention of the House and country to, is this abuse of the power and influence attached to those positions and its use for improper purposes. The hon. gentleman from Prince Edward Island referred to this subject yesterday, and I quite agree with the remark which he made, that the continuance of this practice must have a demoralizing and debasing influence upon Canadian public life, and my opinion is, if it is continued, it must gradually curtail if not entirely destroy the usefulness of our provincial legislatures. Reference has been made to the Manitoba school question and to the prospects of its early settlement. There is not one more heartily desirous to see that question settled than I am. I shall be very glad if it is settled, and speedily settled, and the Catholic minority of that province have restored to them fully the rights and privileges to which they are entitled under the constitution and of which, I believe, they have been deprived. The hon. gentleman who preceded me has spoken of some methods which are being used to effect the settlement of that question. I do not intend to refer to that point, but I simply wish, in this connection, without anticipating the settlement which may be made, to say that if it transpires that this question is hereafter settled upon terms and conditions upon which it might have been settled months and years ago, there will be another instance of the gross abuse of power by one of the local legislatures of this country.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. WOOD—It will furnish the spectacle of a provincial government using its influence to prevent the settlement of a difficult question, to prevent a portion of the people of that province from enjoying their full rights and privileges to which they were entitled under the constitution, and of keeping alive in this country a burning and a dangerous agitation, not for any public good, but for the simple purpose of gaining an advantage for one of the political parties in this country in a general election contest. Now, I would not wish the hon. gentlemen composing this chamber to suppose, from my remarks, that I wish to apply this principle simply to provincial legislatures and provincial premiers. I will lay down the same rule of conduct for those occupying similar positions in the Dominion cabinet. I am not aware that in the past, so far as the Dominion parliament is concerned, there has been ground for complaint; but I shall equally deprecate, should any member of the Dominion cabinet use the power and influence attaching to his position, to influence or determine the result of an election in any of the provinces, or in any of the municipalities in this country. I have referred to these instances, because I believe they are the most glaring instances of the improper use of the power attached to persons holding high positions that the history of this country affords. Now, it is perhaps more easy to point out this evil than to suggest a remedy. I would like, in this connection, to invoke the aid of my hon. friend who is now the leader of the House. He has hinted, at the serious consequences that might result from a party spirit affecting or influencing our action in this chamber, and suggested the possible necessity of reform. I sincerely trust that he will see the necessity of reforming the evils to which I have referred, and I am

sure that if that hon. gentleman will use the great abilities and the undoubted influence which he possesses in this country he can do very much to prevent the recurrence of these evils in the future. I know of no other power which we can invoke in this matter; I know of no other court to which we can appeal, unless it is to the conscience and the honour and the patriotism of our public men. I trust we may not appeal to that in vain, for I feel that upon their action in the future depends whether these are to be continued or whether they are not, and I for one sincerely hope that, for the credit of our public men themselves, for the sake of the preservation and maintenance of our political institutions, for the sake of good government throughout this country, that those who hold positions of responsibility and power in connection with either our Dominion or provincial legislature will be careful to use that power and that influence which they possess for legitimate purposes and not make it subservient to the ambitious aims of party politicians.

Hon. Mr. BELLEROSE—I cannot allow this discussion to close without saying a few words on the different questions which have been raised in the debate. I may say that I was sorry to see that the hon. leader of the opposition, Sir Mackenzie Bowell, took the stand he did at the commencement of his remarks on Wednesday, the 26th instant, on the question of the speakership of the Senate. If his words were correctly reported—and I suppose they were—he said:

> And I take this opportunity of doing it—to congratulate you upon having been selected by your party to occupy the Chair and on the honourable position which you now fill; although, when your name was first mentioned, I was somewhat inclined to think that a departure from the old practice of alternate English and French Speakers should not be departed from, upon reflection I have come to altogether a different conclusion. I have come to this conclusion, and I believe it to be the safest principle upon which to act, that the party in power, in making its selection for the important position of Speaker of either House of parliament, should look to the qualification of the person who is to occupy that elevated position rather than to his race or creed.

Well, I believe the hon. leader of the opposition did not give much attention to that question, for surely if he had he could not have spoken as he did, because the practice of alternate of English and French Speakers is quite in accordance with the constitution of the country. I do not look at this as an ordinary right of the French minority. I look at it as a constitutional right. If the hon. gentleman will look into the constitution he will find that the 33rd clause reads as follows:

> Either the English or the French language may be used by any person in the debates of the Houses, &c.

It is well known that the first duty of the Speaker is to maintain order in the House, and I ask how can the Speaker maintain order if one of the senators in this House speaks a language which he does not understand? A French senator makes a speech in French. He uses unparliamentary language and is called to order. What will the Speaker do if he does not know French? Now this very part of the constitution shows that the party holding the high position of Speaker ought to understand both languages. But we, the minority, never went so far, knowing as we did that hardly one member of the English-speaking majority understood the French language sufficiently well. Nevertheless, such is the law, and the practice has been established for thirty years under this constitutional law that the Speaker of each House shall be chosen from those speaking the English language and those speaking the French language alternatively. Taking that view of it, I think the hon. gentleman was wrong in making that remark. Moreover, was it not a criticism on the minority, because they advocated the right and insisted that such rights of theirs be maintained and practically followed? We thought at the very beginning of confederation and we think now even more than we ever did that it is a duty for us to vindicate those rights, stick to them and not allow any one of them to fall in oblivion.

Why for doing so, have we not the best evidences given every day that except we do so, those rights and privileges will be scattered to the winds? If in lieu of criticisms the practice followed in the selection of speakers for both the Commons and the Senate I had heard the hon. gentleman taking exception to the course followed by the present government when not giving to this Senate, a minister who could speak French I should have been much pleased. Then he could have made a good point while in the case of

the Speakers he could not and did not. He could have made a good point by asking the government why they had not a gentleman on the treasury benches who could understand and answer in French. A complaint was made on that ground before, and we can very fairly complain now. I know the Secretary of State believes that the way we have of asking for the use of French in this House is only a matter of sentiment, but I have sufficiently shown that it is more than that, it is a constitutional right. Your Honours know that there are members in this House who do not speak English and who even do not understand it. If so is it not fair that they should have on the treasury benches representatives who can understand them and answer to their questions in their own tongue. Four or five years ago a senator in this House rose in his place and asked a question of the government, and there was not a member of the government on the treasury benches who could answer it. In his reply, the representative of the government said, "I am sorry I cannot answer the hon. gentleman," he might have added and said to his interlocutor that he would have to go to one of his neighbours to find out what the answer was. Her Majesty in prescribing that both languages should be used in this House, was only acting in accordance with the principle that we should have equal advantages in Canada. Having said so much on this question, I wish to say a word about the Manitoba school question. Much was stated during the debate on that question. As I have very little time to spare, I must say this, that we expect the government to do what they promised. If I take the premier as the mouthpiece of the government, at different times Mr. Laurier said he would give more to Manitoba than the late government had offered to give them. If they give more, they will do very well; but I do not ask them to give more. Let them give as much as the last government offered to give, but which they did their best to prevent being accepted and they will receive praise at the hands of a million and a half Catholics in the Dominion. I believe the leader himself does not understand the question as the church he belongs to understands it; if he did understand it, he could not have taken the stand he took when the bill of the government of Sir Mackenzie Bowell was read for the second time in the Commons in March or April last. If the leader of the government had been willing to accept the principle of separate schools, he would have followed quite another course than that which he pursued in the House of Commons last session. On the second reading of the Remedial Bill, he moved the six months' hoist. That was proposing to vote down the principle of the bill. I know he said, previous to that, that he did not mean to do so, but it is well known that the second reading of a bill is the adoption of the principle of the bill and not of its details. There is an open road for those who wish to accept the principle, but not to accept the detail of a bill—it is to vote for the second reading and wait until the bill is referred to a committee, and then ask for amendments, and if those amendments are not carried, they can kill the bill, if they wish, at the third reading. That is the way, according to the practice of parliament, to meet such a case. From that day, it was my conviction that Mr. Laurier will never bring in a bill that will give separate schools to Manitoba, and that is what, according to the judgment of the Privy Council, they have a right to and what was always promised would be given to them. —I still hope they will give more, but if they give less, they cannot expect to have the approval of any man who understands the Manitoba school question, because it is the principle of separate schools that we advocate, and though the bill which the hon. leader of the opposition placed before parliament last session was not the best measure that we should expect, it was the best bill, under the circumstances, that they could afford to give to the minority. But, at all events, there was the principle recognized to give separate schools to Manitoba, and that was the most important thing we required at the time and which we require now. I say that I hope still, because I see at the head of this House the hon. gentleman who, until recently, was premier of Ontario, Hon. Sir Oliver Mowat. I am justified, therefore, in saying that I hope that we will have something better than I would have expected from his colleagues considering their attitude last session when in opposition. Every member of the Senate understands the position taken by the present leader of this House in his native province. We all remember the difficulties he had to face. It is well known in that province that the opposition (the Tories) headed by Mr. Meredith pro-

posed to do away with separate schools as far as it could be done under the constitution, and that the premier of that province, Sir Oliver Mowat, rose in his place and not caring whether the province favoured separate schools or not, he said as long as he was at the head of the government the minority should not be deprived of their rights. Having done so there, I always thought that, if the hon. gentleman would form part of the government, we would have something better than was offered to us by the late government, and I hope so still. As far as the question of the tariff is concerned, I cannot say much upon the policy of the government, because they have had so many policies on that question that I do not know which of them they will carry out. I must say this, I found that the late government were wrong on that question It is only three years ago, if my memory serves me right, that I suggested to the government to make some amendments to the tariff. I told them that the manufacturers had a great deal too much protection and that the people at large were the sufferers, but the government paid no attention to their complaints. It was only some few days ago that I received from a gentleman in Montreal, who is pretty well conversant with these things, a business man, a pamphlet dealing with the tariff. I will not quote the whole of it, but I will quote just as far as one industry is concerned—sugar refining :

The American Sugar Refining Company, which sells at least three-fourths of the refined sugar consumed in the United States, has a capital stock of $75,000,000. One-half of this stock is common, the balance preferred. The preferred stock has always paid seven per cent, and the common twelve per cent per annum. During some years the latter stock has paid an additional bonus of ten per cent annually. If they can do this with a protection of twelve and a half cents per hundred pounds, how much do our refiners make with a protection of 64 cents per hundred pounds.

* * * * * *

A favourite argument with the Canadian refiners is that sugar is as cheap in Canada as in any other part of the world and they are in the habit of comparing our prices with those of the United States, but they take good care not to let it be known that the United States refiner pays 40 per cent duty on his raw sugar, equal to one cent per pound, while in Canada the refiner pays a duty of ½ cent per pound.

The average annual importation of raw sugar into Canada is 130,000 tons, or 260,000,000 pounds. The duty collected from this through the refineries is one-half cent per pound, amounting to $1,300,000. If the government were getting the protective duty of $1.14, they would receive $2,964,000. The difference, $1,664,000, goes into the pockets of the refiners and that is exactly what the people of Canada have got to pay for having the sugar refining industry.

In 1893, the duty on refined syrups was 1½ cents per gallon. This being a reasonable duty, we did considerable business in this article, which we purchased from the refiners in the United States. This, however, did not suit either the government or the Canadian refiners, and in 1894 the duty was increased to 7 cents per gallon, which was simply an outrage, as the following actual importation by us will prove ;

Oct. 18th, 1894.—500 barrels syrup (costing in New York) 21,221 galls. at 7¼ cents			$1,527 93
Freight to Montreal	$ 297	00	
Wharfage and canal dues	10	25	
Gauging	15	00	
Marine insurance	11	25	
Duty, 7 cents per gall., and 20 per cent on pkgs	1,567	08	
			1,900 58
Actual cost in Montreal			$3,428 51

Notwithstanding this increased duty, we continued importing syrups, as we understood from our Finance Minister's speech, that he intended to reduce taxation, and as we presumed that refined syrups would be one of the articles that would come under the heading of reduced taxation, we patiently awaited the arrival of the Budget in 1895

Imagine our dismay, when the Finance Minister brought down his Budget in that year, and we read that the duty on this particular article had been increased to 10½ cents per gallon. This was the last straw, and we at once retired from the business of importing refined syrups, as we felt it would be quite useless to attempt any further business in an article costing 7¼ cents per gallon, on which we were asked to pay 10½ cents per gallon duty.

The sugar refiners of Canada are getting 25 cents per gallon for a syrup that is selling in New York at 10 cents.

If that is true it is well worth drawing attention to the matter. The government were appealed to by the public to improve the tariff in that respect, and they failed to do so, and I am not surprised that they have been declared unequal to the position and have been turned out of power.

Hon. Mr. OGILVIE—Who is the writer of that pamphlet ?

Hon. Mr. BELLEROSE—I do not know.

Hon. Mr. OGILVIE—I thought it was anonymous.

Hon. Mr. BELLEROSE—The authorship has nothing to do with it if the statements are right. We have the tariff, and necessary

documents so that we may inquire and easily see if it is true or not; but I may say this, I have four or five letters from gentlemen in Montreal and they are all in the same direction, so that there is a probability that they are true. It is worth while inquiring into.

Hon. Mr. OGILVIE—We know the statements in that pamphlet are not correct, because the comparisons are wrong in a good many instances.

Hon. Mr. BELLEROSE—That is a matter of opinion. The hon. gentleman denies those facts but that is not sufficient; he has to make good his denial.

Hon. Mr. OGILVIE—That pamphlet is anonymous.

Hon. Mr. BELLEROSE—Sure that will never prove that the facts are not true. At all events, one thing is sure—during the late contest there was a great deal said about the tariff and the people at large in every part of the country complained that the tax was too heavy, and that a certain class of the community had the whole advantage. Such was the complaint in my own province—I have many good friends in the county that I used to represent in the House of Commons. Mr. Laurier having taken on the school question the stand that he took, and which I have alluded to, I voted for the late government on account of the school question, afraid as I was that if the Liberals were returned to power they would not bring in a proper bill, and I tried to change my friends from the direction in which I had influenced them before, but they said, "we do not change, we cannot vote for a party who have brought ruin on this country." I said, "this may be true, but you know I left the Conservative party twenty-three years ago when they refused to disallow the New Brunswick School Act, believing that the government were wrong and I said then that this was but the beginning of disasters which fall upon the minority." I was right. You see the trouble we have to-day, and there are very grave doubts whether the minority in Manitoba will ever receive at the hands of any government now, what is due to them. If you desire to do what is right to-day you should support the Conservatives—they offer to give you the schools while the Liberal party has voted down the principles of separate schools. Passing now to another question I will refer to that of the Governor General's warrants. I believe the Governor did what he had a right to do, and under the circumstances he was doing right to give the money, but where I believe the government were wrong was in taking more money than they required. I believe their duty was to have the ministers make a report, have it sanctioned, and have a warrant issued on that and borrow only the money that was strictly wanted at the time. There is another question which has been raised in this debate, but I do not see the necessity of discussing it to-day. I refer to the question of the appointments recommended by the late government which the Governor General refused to sanction. Since confederation I have criticised all governments which, after they had been rejected by the people, have made most important appointments. We have too long fought for the rights which we have now of self-government, and responsible government, to help any administration who wishes to make our constitution a dead letter. I say that unless the government have the confidence of the people at large, the Crown never should accept their recommendations. I have said that before and I say it now. Principally in this instance. When the government had been changed, just before the election, when it was a new government, before the House of Commons had given them their confidence, I thought that the Governor was perfectly right in refusing to sanction appointments when it was known at large that the people had refused their confidence in the government, and that new advisers would be called from the other party. I say Mr. Laurier, in accepting the responsibility of that act, was right, and I would have done it myself. It is a correct principle. When Sir John Macdonald recommended appointments to the Senate in 1873, I said that it was wrong, and that the Governor was wrong in sanctioning them, and when Mr. Mackenzie, in 1878, did the same thing, I said the Governor was wrong in accepting the advice of the administration who represented the party who had been defeated at the polls. Such are my principles, and as I generally act on principles, I am opposed to this. I will not prolong the debate, it has proceeded long enough. My intention was to speak for an hour and give the whole history of the school question, but believing the discussion

would have to be over to-day and seeing that very little time remained before the adjournment of this House I thought it was quite as well that I cut short my remarks on those different questions, and the time for adjourning this sitting of the House having been reached I resume my seat.

Hon. Mr. CLEMOW moved the adjournment of the debate.

The motion was agreed to.

The Senate then adjourned.

THE SENATE.

Ottawa, Wednesday, 2nd September, 1896.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

A QUESTION OF PRIVILEGE.

Hon. Mr. BOULTON—I rise to a question of privilege. I see Senator Lougheed, who yesterday jocularly enumerated the Liberals in the Senate, amongst whom he included me, is reported in the *Citizen* as saying "he found no difficulty in getting 13 senators who refused to deny that their political proclivities were Liberal, exclusive of those who have been appointed since the 23rd June." I wish to correct that by saying that my political proclivities are Liberal so far as they accord with my principles as a Liberal-Conservative. I dissented from my former friends when I found they had drifted away from the liberal principles infused by the late Sir John Macdonald into the Liberal-Conservative party, into ultra conservatism, recognizing class interest and corporate power in their legislation before the interests of the people. If the hon. member from Alberta will again refer to the Parliamentary Companion from which he quoted in his remarks, he will find me classed as a "Free Trader." My political principles at present are "free trade with the British Empire," only giving sufficient time for our industries to adjust themselves, and free trade with the United States as soon as they will give us the same freedom of exchange that the people of Great Britain do. My speech on the address to His Excellency sufficiently indicates that to the hon. member.

Hon. Mr. McKAY—The hon. gentleman's name is not mentioned in the *Citizen* at all, so I do not think he had a case of privilege to bring before the House.

Hon. Mr. BOULTON—It was mentioned by the hon. member for Alberta.

Hon. Sir MACKENZIE BOWELL—Not in the *Citizen*.

Hon. Mr. McKAY—But the hon. gentleman had no right to bring up a question of privilege, when his name was not mentioned in the *Citizen*.

Hon. Mr. BOULTON — The Ottawa *Citizen* gives a speech delivered by the hon. member for Alberta and the hon. gentleman quoted 13 Liberals in that. He mentioned my name, and as the hon. member for Alberta assumes to define my political proclivities, I claim the right to define them myself.

Hon. Mr. McKAY—The *Citizen* does not.

Hon. Mr. BOULTON—But the statement in the *Citizen* goes to the public, and therefore I consider it my privilege to correct it before it goes further.

Hon. Sir MACKENZIE BOWELL—I question whether that is a matter of privilege. In fact we have carried the question of privilege too far in bringing before the House, and also before the Commons, if I may refer to that branch of parliament, remarks made in newspapers by editors who are totally irresponsible so far as parliament is concerned. I for one am very glad to know that my old friend, personally, as well as politically, repudiates the classification made by my hon. friend who classed him as a Liberal, that is, Liberal as I understand liberalism in this country. I deny, however, the right of that particular party to arrogate to themselves the name of Liberals, believing as I do that the Liberal-Conservative party is the most liberal in this country. But apart from that

while my hon. friend says he is a Liberal-Conservative but a free trader, I cannot admit that free trade is a portion of the creed of the Liberal Conservative party in this country. I have no desire to deny the right of the hon. gentleman to give himself any name he pleases. I am very glad to know that he ranks himself among that class of politicians with whom he and his family from time immemorial have been connected. At the same time, when he calls himself a Liberal-Conservative, as we understand it in Canada, let him not say that free trade is one of the planks of that party. If he does, I must dissent, on the part of those with whom I act, from that classification.

Hon. Sir OLIVER MOWAT—It is very convenient that members should have the opportunity of correcting important misstatements of facts made in regard to them in the press. It does not take up much time to do so, and it is the best and most effective way of correcting statements which may do hon. members considerable harm personally. I should not like the Senate to lay down a rule that such matters could not be brought before this House. With regard to the observations of my hon. friend near me, I have only to say that I am glad that he considered liberalism a portion of the plank of the present Conservative party.

THE ADDRESS.

THE DEBATE CONCLUDED.

The Order of the Day being called—

Resuming the further adjourned debate on the consideration of His Excellency the Governor General's Speech, on the opening of the First Session of the Eighth Parliament.

Hon. Mr. CLEMOW—I confess it was with some hesitancy that I moved the adjournment of the debate yesterday. It has already taken up more time than such debates generally do, but under the peculiar circumstance of this session, I thought it right that every member should have an opportunity to state the position which he intends to take in th · future and the policy he intends to support. I am in accord with the several members in eulogizing the accession of the leader of this House to his present position. I look upon it as a great privilege and a great advantage that a gentleman of such long experience and great ability is to act as leader of the Senate in the future. I speak so particularly because I was originally an old school mate of the hon. gentleman, and he has attained the height of his ambition and reached the zenith of what any man can reach, and I am a poor creature hardly able to eke out an existence. This is all due to his ability, his energy and his perseverance, and I only hope that the young men of this country will emulate his example in the future. As the road to success is open to all men in this country, I hope they will take advantage of it and try and do as he has done. He has ruled Ontario, a Conservative province, by his peculiar methods of managing public affairs. Notwithstanding that the majority in Ontario always voted Conservative and supported Sir John Macdonald, he managed to keep in power at Toronto, and manage the affairs of that province successfully for a great many years. So far with respect to the personal characteristics of this debate. I now refer to the address itself. The first paragraph speaks of the necessity of making provision for the public service. That looks very well on paper, but what is the cause of this inconvenient session? Has not the cause been the obstruction of the estimates by the hon. gentlemen who are now in power? They prevented the passage of the estimates. They could very easily have allowed the government of that day to pass sufficient supplies to carry them through until the regular time of calling parliament together. When they were pursuing the policy of obstruction it occurred to me that they were following a very dubious course in their own interests. It would have been far better for them, even from their own point of view, had they given the late government sufficient supplies to carry on the affairs of the country for three or four months. Were the Liberals afraid that the late government would steal this money? Did they not know that they had the Auditor General, who was a zealous and faithful friend of theirs, to look after the expenditures? He would have taken precious good care that not a dollar of that money would be spent except for the public service. Last session the Liberals should have acted in a different way. They should have foreseen the necessity that would have ensued, of calling Parliament together at this inconvenient season, if they refused granting the supplies

required to carry on the government of the country. My impression is that they had no hope that the country would return them to power and therefore they would not vote a sufficient supply to carry on public affairs. That is the only explanation I can give for their refusal to grant the moderate request of the late government. They would not allow one dollar of money to be voted. Were they so overcome, by having possession of the House for a time, that they lost all restraints of themselves and would allow nothing to be done? The speech is a model in itself. The Liberal party used to denounce the late government in violent terms—especially the senior member for Halifax and the hon. gentleman who is now Secretary of State—because the speeches from the Throne contained nothing. If past speeches contained nothing, what should be said of the present speech? If you refer to the speech of last session, you will find it full of information to the public. If that speech was prepared by an incapable government, as they assured us, what shall be said of the capacity of the present government as shown by the address before us? I have failed to see anything yet to show the country that public affairs will be managed as the late opposition said they would be. They spoke fluently of what they would do after they came into power, and they assured us that we should have peace and tranquillity and prosperity in the country, and that the people would have cause to rejoice at the selection of a Liberal ministry, but we find that on the present occasion they can say nothing. The paragraph with reference to the fiscal policy I look upon as one of the most important points in the speech. The government give us no assurance for the future—they cannot tell the manufacturers and business men of the country what will be their fate. What will be the result? It will cause great difficulty and anxiety in the country. We are told that when Sir John Macdonald introduced his National Policy he gave no intimation of his policy to the people, but I remember perfectly well when the National Policy was introduced there was a glow of satisfaction throughout the country. People became alive to the importance of the change that was about to take place, and from chaos and confusion an improvement began at once. The National Policy has been the saviour of this country. Its opponents may talk as they like, but it has had the effect of giving an impetus to the manufactures of this country and has made Canada a country well worth living in. The poor man can rest assured that he is not over-taxed. The Liberal party told us on the hustings that the poor man is unduly taxed and that the large revenue required for the public service is taken from his pockets, but what are the facts? A poor man can obtain everything that is required suitable for his wants free of taxation. It is the rich man—the man who requires broadcloth, silk and expensive wines and liquors that has to pay the taxes of the country. I think that is the proper source from which to draw the revenue. The silence of the government on the subject of the tariff leaves the country in a state of uncertainty—nobody can engage, with any feeling of safety, in any manufacturing industry or in business. Had the gentlemen who compose the present government never occupied responsible positions before, I could have understood their silence on so important a question, but the men who form the present government have been denouncing the National Policy and yet they are unable to come forward and suggest something to take its place—they must have further time for consideration. What have they been doing in the past—were they honest or were they trying to deceive the people? They know that a tariff is a necessity in this country, and I do not think they intend to make any great changes in it. However, I should much rather have them come forward and either give us free trade, such as is advocated by the hon. gentleman from Marquette, or give us some tariff that would be reassuring to the country and under which the prevailing prosperity might continue. Can any one deny that the country has prospered in an unusual degree in the past eighteen years? Look at the official returns; look at the accumulation of funds in the saving banks, the increased insurance and the increased value of stocks and every other indication of prosperity, and you will find that Canada has prospered under the régime of the Conservative administration. I deplore the fact that there is to be any change in this policy. I feel that it will be a serious loss to the country and a source of trouble. Something should be done without delay to relieve the anxiety of the people on this subject. The sooner the government tell the people plainly what they intend to do in the future, the better for them and

for the people at large. I know there are some men among the supporters of the present ministry who do not exactly believe in the principle of protection, but there are others who are themselves engaged in trade, and who would like their peculiar industries protected higher than they are at the present time. However that may be, let the government frame their policy, and tell the country as soon as possible what it is to be. It will have a reassuring effect ; but, if something is not done in this direction, you may depend upon it we will have a return of those unhappy experiences of the Mackenzie régime. You all know what that was, and we would all deplore a recurrence of such times. What is the objection to this National Policy? Are the people complaining of it? Was it an important factor in that election? I do not think it was. The great issue in that election was the Manitoba school bill, which was brought forward for the purpose of preventing the greater and larger issue affecting the people's minds. I believe the country are at one with the late government with respect to the policy of protection. There may be some individual cases where remedies or reforms may be required. That is natural enough, but during the last 18 years this policy has been carried on with little friction and great benefits to the country, because no man can say that Canada is not prosperous to a degree unparallelled in the history of any country in the world. Therefore, it would be wrong to make any violent change, and I believe that is the prevailing sentiment of the people. If the country could be polled on that particular issue, in place of the majority being with the gentlemen on the treasury benches, it would be on the other side. There are commercial men in the Senate who will be able to give us their opinions and express the prevailing opinion in their locality respecting this matter. Therefore it is of the first importance that every hon. gentleman in the Senate should have an opportunity of offering his opinion respecting the course to be pursued in the future. The majority in this chamber are always willing and desirous of acting in a fair and straightforward manner. They are not over-partisan and not obstructive in any way. I believe they are prepared and willing to give every assistance to the government to carry out such measures as will conduce to the general interests of the country. There was an apprehension expressed in some newspapers that the Senate intended to take a different course ; I think from what has been said by the speakers who preceded me that the leader of the government can rely on the assistance and co-operation of the Senate in any measure he may bring forward in the public interest. There are several subjects which might have been referred to in the Speech from the Throne which have been omitted, I do not know for what reason. One important subject, to my mind, is the agitation which has been occupying the attention of the people of this country and which was referred to in a paper published in Chicago, respecting a desire on the part of the government to make some arrangements with the United States people whereby our waterways will be absorbed.

Hon. Mr. BOULTON—Is that the object of the commission?

Hon. Mr. CLEMOW—I do not know the object of the commission, or whether it is real or not, but it is of vital importance to the future interests of the country that any such scheme should be judiciously considered and well watched. I am in favour of improving our waterways, and also in favour, as a British subject and loyal man, of improving those waterways in our own country. We have in this country the shortest and best route from the upper lakes to the seaboard —I refer to the Ottawa and Georgian Bay route. It is shorter by seven hundred miles than any existing route ; it would answer all purposes and give us free communication through our own territory that would suit our own purposes at any rate, and would build up our own country and make Montreal and Quebec what they ought to be—the New York and Boston of this country. That would be the patriotic policy to pursue.

Hon. Mr. BOULTON—Do both.

Hon. Mr. CLEMOW—I do not believe it is possible to do both. We have been trying to carry this Ottawa canal for the last forty years, and we have always failed because other parties seem to run it off the track. We are not able to compete with

interests in other directions. Ottawa's interests have been perfectly ignored in the past, and had it not been for that fact, the Ottawa canal would have been in operation long before this. But we must take things as they are, and impress our government with the importance of improving our own waterways in our own country. The subject came up last session and was very favourably considered. I hope the Ottawa canal will be built, and that the government will be able to give assistance towards its construction. It will provide direct communication between the seaboard and the upper lakes and enable us to improve our resources and thus enure to the benefit of the country. There is another question which has been before the public for a great many years. That is, reciprocity. It is said that some reciprocity arrangement will be made with our United States neighbours. I do not think there would be great objection to a fair honest reciprocity treaty, but I do not believe we will get it. Our neighbours are too astute a people to give up their privileges to suit the convenience of Canada. I do not believe it is possible, unless you give them as has always been done, the best of the bargain. The treaty of 1854 was not a fair treaty, and it was not carried out properly. We gave them our inland waters. Did they reciprocate? No. They told us we could not go beyond Whitehall—that canal belonged to the State Government over which they had no control, and we could not use it. But I hope, above all, that nothing will be done to militate against our interests with Great Britain. It would be a serious thing for the people of this country to legislate in a way that would be injurious to the mother country. I do not believe the leader of the government, who delivered a very loyal speech, would be a consenting part to do anything that would be injurious to the mother country, but if you are going to discriminate against Great Britain, if you are going to carry on a scheme of reciprocity with the United States and give them all that they require, where would we be? All that they want and desire is that, by some means, they may influence to some extent the public men of this country in such a way that they will destroy the National Policy and by that means they expect to get into this country and supply us with their manufactures and then you will see what will be the result. In place of getting all what you require, particularly for the poor man, at a moderate and low price, you will find the very moment that wall is removed, they will bring in their manufactures from the United States and sell them in this country at a cost higher and much more disadvantageous than those ruling at the time. I hope our interests will be guarded and that nothing will be done until the subject has received the sanction of the people of this country; because, I believe, if the government submitted to them a proposition of reciprocity on such lines with the United States, they would be hurled from power to-morrow. The electorate would not support a policy so suicidal to the best interests of the country. The leader of the opposition has given his views upon the National Policy. No man understands that subject better than the hon. gentleman does. He has taken a very lively interest in it for eighteen years, and knows something of its operation. I have no doubt he will tell you that, to his mind, no other policy is suited to the interests of this country. It is said the government are to have a convention or commission. What will that amount to? You will get men assembled together and one man will give his views from a particular standpoint, and another man will give views which are diametrically opposed to those of the first man, and at last that question will have to be settled by the government of the day. You will not receive such information from any commission or inquiry as will satisfactorily settle the question. The only way to do would be, as far as practicable, to allow things to remain as they are and carry out the policy which has been so productive of good in the past. It may be a little out of the line of their declarations in opposition, but they can find many excuses for doing in opposition what they would not think of doing in power. That is one of the great difficulties that public men of this country contend with. In opposition they think they can promise anything but when responsibility is placed on their shoulders they are placed in a different position. I hope the opposition will not take that course. I hope they will be modest and endeavour to keep the government in a straight path and will not indulge in extravagant language as respects the policy in the future, which they could not carry out were they to succeed to power,

as I hope they will before very many years. Those are the cardinal points of the address and those are some of the omissions. Now, what is taking place at the present time? Our trade is increasing wonderfully. During the last month our exports and imports have increased to the extent of $1,000,000. At the present time the outgoing freight is so great that the present means of traffic is insufficient to accommodate it.

Hon. Mr. BOULTON—How about the incoming trade?

Hon. Mr. CLEMOW—I am talking of the outward trade. Our exports are the chief matter by which we can expect to be a prosperous people. The more we can export the more we can show we are sending out of our country, and the less we require, the better it will be. The theory of the hon. gentleman is that the more you require the better off you are. He holds out that if he could merely produce $1,000 worth of stuff and buy $2,000 worth he is the richer. My theory is the reverse. I think if I had $2,000 worth of material on hand to export, I am $2,000 to the good, and if I only want to import $1,000, I am $1,000 to the good. The hon. gentleman from Shell River tries to convince us that the more you spend the richer you are. It is pleasant to contemplate. I wish you could show me how with $1,000 expenditure I could buy $2,000 worth and be richer.

Hon. Mr. BOULTON—Free trade.

Hon. Mr. CLEMOW—Where are you going to get free trade? It is very fine in theory to say a man is free to do as he likes. That would be all very well if we carried on the country in that way, and had no taxes to pay, and could live frugally without incurring any expenditure. It is very fine in theory. How could this government be carried on without a revenue? Where would our public improvements and canals and railways have been? Where would the country be? It would be nowhere. You would have nothing at all; but now you have valuable assets; yes, ten to one for every dollar that has been expended. There is no doubt we have spent a lot of money in this country, but it has been well spent, and has made the country what it is, and I would like to know whether under free trade that would be possible. If we could live without revenue, we would be a happy people. I only wish we could do so; but we have got to consider it from a different standpoint. We are taxed in this country,—pretty heavily, I admit,—but it does not come altogether out of the excise duties or customs duties. It is from the other duties—our municipal taxes. They are probably higher than they ought to be; but that is our own fault. We elect our own men, and if we choose to spend our money we must take the consequences. It is true we may have too many taxes, and we may have to reform in that direction, and I was very glad to find the hon. gentleman from Westmoreland bringing up that subject. I think it was fully justified. There is no doubt what he said ought to have a great bearing on the public men of this country. While the Federal and Provincial governments should be in accord I do not think their relations should be of that friendly character whereby one will assist the other to the detriment of the whole Dominion. I am glad the hon. member dealt with that matter, and possibly it may have a good effect in the future. It may be that the local governments will have to attend to their own affairs irrespective of the assistance of outsiders. Unfortunately, in this country we have people decrying every act of the administration. For the last few years, no matter what subject engaged the attention of parliament, you found the opposition decrying it in every way, whether it was right or wrong. That is not the way to carry on the affairs of the country. Every action of the government was torn to pieces and they were called all sorts of names, robbers and thieves. Under those circumstances it is not surprising to me that we cannot succeed in obtaining the assistance of the best men in this country for the purpose of carrying on the affairs of the government. It is perfectly transparent to me, and has been for a long time, why such a state of affairs existed. While we can discuss and criticise the acts of any administration, still we can do it in a manly upright way, and not in the vulgar manner too often employed, not in this chamber but in the other chamber. I hope that in the future the public men of this country, and the press particularly—who ought to educate the public—will take a bold stand against debasing public life, I believe it can be accom-

plished. Let those gentlemen, who are now in power, try what they can do, and if they do not succeed, we can get the verdict of the people on their policy. That is the proper course to pursue. The leader of the government in this House has expressed himself as being quite satisfied—and the longer he is in this chamber the better satisfied he will be—that all measures brought before us will receive impartial consideration. He has spoken in a spirit of conciliation, and we know that conciliation is an important plank in the platform of the government. I can assure him that the Senate will do what is right—that they will be the watch dog of this Dominion, and will oppose, with all their might and main, anything which, in their judgment, is pernicious and opposed to the public interest. We have heard a strong appeal made that the outlying provinces of Manitoba and British Columbia should be represented in the cabinet. I agree with those who think that these provinces should be encouraged in every possible way. We would all like to see them settled with an intelligent class of people, who will assist in the development of the country. Had the late government remained in power, their policy was calculated to settle that great country. I have no doubt that Manitoba will be represented in the councils of Canada before long. There may be some delay, but it will be represented ultimately; and the same remark applies to British Columbia. My hon. friend from New Westminster is a young man and can afford to bide his time. No doubt British Columbia is a province possessed of great natural wealth. I do not suppose that all the expectations that have been formed as to its mines will be realized; money will be made and money will be lost. A good deal depends on the management of the mining industries, whether they will be profitable or not. I hope that the expectations of those who have invested so largely in the mines of British Columbia will be realized.

Hon. Mr. BOULTON—Not under protection.

Hon. Mr. CLEMOW—The hon. gentleman wants protection more than any one else. He claims he is a Conservative.

Hon. Mr. BOULTON—A Liberal-Conservative.

Hon. Mr. CLEMOW—He says he does not believe in the policy of the Conservatives, and he does not believe in the policy of the Liberals. He had better form a third party and he can control the destinies of his own party. The Secretary of State has been crying blue ruin for some years, but this session he is as quiet as a lamb. I hope he has seen better light and that he will do all he can to advance the material progress of the country. If so, we will all be pleased that he has been elevated to the position that he occupies. He was a Conservative for many years; what changed him I do not know. I do not find fault with him—any man may change his opinions. In that respect, my hon. friend from Marquette differs from him. He says he has never changed. If so, I hope he will assist the Conservative party to make Canada one of the greatest countries on earth. He possesses youth and ability, and I only wish I had the same opportunity that he has, to help in promoting the public interest. Unfortunately, I have had to labour—I have been a labouring man all my days, and I must remain among the rank and file of the Conservative party. My hon. friend, the senior member from Halifax, told me the other day, that he was not very comfortable in his seat on this side of the House. For his sake, and for the sake of the country, I hope he will not have to remain long in his present uncomfortable position, and that he will soon be on the other side of the House, criticising the policy of the Conservative government. His utterances this year have been mild and lamblike, and there is nothing in them to criticise. A great deal has been said about the issuing of Governor General's warrants. I do not intend to argue the legal point—that has been already done, and a diversity of opinion is held on the subject, but I take the business like view that all this could have been prevented, had the estimates been passed, and it would have been better for the country and better for themselves. They would have had more time to frame their policy and the country would have been saved an expenditure of over half a million dollars. The blame for the present difficulty rests with them. With reference to the Manitoba school question, I was one of those who believed that the mandate from England required remedial legislation, and I was prepared to give my support to the

measure introduced by the late government; but, unfortunately, there was a division in the ranks of the late government. The question is now in the hands of the present government. If they can settle it and remove it from the arena of federal politics, I shall be delighted. If they do not succeed and are obliged to introduce a Remedial Bill, it is doubtful if they can carry it. The premier should be in a position to tell us what his government will do in case they fail to settle the question in a satisfactory manner. I hope a settlement will not be long delayed. We should have harmony and union amongst the people of the country. So long as difficulties arising from differences in race and creed are permitted, it is impossible for the country to be prosperous. No doubt the question was made use of by the Liberals in the late elections to advance the interests of their party. They had one policy in one province, and another policy in another. Their object was to prevent a fair and impartial consideration of the National Policy. They succeeded in getting into power on a side issue. I hope to live long enough to see another election, and I believe that the judgment of the people will be that the Conservative party are best fitted to administer the affairs of the country. In the meantime, I hope that nothing will be done to destroy our commercial interests, but that the public will be assured that there will be no serious disturbance of the existing policy.

Hon. Mr. McCLELAN—The hon. gentleman from Rideau seems to feel that the earlier the next general election the sooner the policy of this government will be reversed. I can only say that the by-elections recently held do not justify his opinion that a reaction has set in. The majorities received by the two gentlemen who lately ran by-elections indicate that the trend of opinion is entirely the other way. The hon. gentleman has reiterated what we have frequently heard before from him, regarding the National Policy and the enormous advantages which this country has derived from high taxation and restrictive trade. It surprises me somewhat, being here for twenty-nine years, occupying a seat in this House that from 1867 to 1878 a panacea so effective and a system so well calculated to build up this country to a condition of commercial greatness, and place it high among the nations of the earth, had never even been dreamed of by many of the gentlemen who have been since reiterating their pæans as to the advantages of this system. In fact, as far back as 1870, when the National Policy was introduced in the House of Commons by a gentleman occupying a high position there—that is, by the imposition of a duty on salt, coal and breadstuff, &c.—I remember how it was denounced by leading Conservative senators as the entering wedge of a system which would be ruinous to a country situated as Canada is, along one given parallel of latitude without the advantages of climatic differences which the United States possesses and which has enabled that country, notwithstanding the pernicious system that has prevailed there, to flourish so far as their internal trade is concerned. I remember well how that was denounced in unmeasured terms. Certainly the government of that day—a coalition government—was strong enough to carry it, but there was almost an even vote in this House. I remember how strenuously the members of the government of that day tried to influence members, personally and by their speeches on this floor, in order to avoid a deadlock and carry that measure—a measure which was a few years later repealed. My hon. friend speaks about the reciprocity treaty of 1854. I remember well the first vote upon the fiscal system which I ever had the privilege of giving in a Legislative Assembly was in favour of the treaty of 1854, and if my memory serves me well, during the course of these 10 or 12 years before the repeal of that treaty, we had extremely good times, and great commercial prosperity throughout this whole country. I have heard that treaty spoken of to-day as a mistake, as being a sort of reciprocity treaty which was injurious to this country. I remember reading the despatch sent to Downing Street a year previous to its repeal by the administration in which the late Sir John Macdonald was a prominent member, in which it was said that unless the Imperial government would render assistance to secure a renewal of the treaty of 1854, the government would not vouch for the loyalty of the people of Canada, so anxious were they to secure reciprocal trade with our neighbours, and yet we are told to-day that if we venture upon this forbidden ground, if we venture

to establish closer relations, if we venture at all to treat with our neighbours to the south, our loyalty would be endangered—exactly the opposite of what was put forward in that despatch of 1866. I did not rise for the purpose of making any extended remarks. I think the debate is lasting an unusual length of time. The speech from the Throne is exceptionally short. It naturally would be a short one. We have been, by the unfortunate occurrences of last year, obliged to have a special session at this unusual season of the year for a special object, to provide the necessary funds for carrying on the public service, and if I were to reckon the time it has taken hon. gentlemen around these benches to discuss a speech so short and embracing so few subjects for discussion compared with what they will have at the next session, I think we might all feel alarmed that we will be here all of next winter before we can get through with the address. However, it may be useful for hon. gentlemen to discuss subjects which they anticipate will be in the speech next session. I should hope that this may have the effect at least of shortening their speeches when the proper time arrives for them. Another matter which was referred to by my hon. friend from Rideau division who preceded me, was, of all things, he disliked a commission for the purpose of discovering the state of the country. I remember not many years ago the previous government appointed a commission which went to the Maritime provinces and through the country, and their reports are now on file. The report was discussed in this House, but I never heard him denounce the course taken on that occasion for the same purpose, to ascertain the effects of the National Policy. With regard to the commission now spoken of, I do not know what the intentions of the government are, but I was surprised when I heard my hon. friend denouncing commissions, because we know the country has been flooded with royal commissions, including the royal commission regarding the liquor traffic which cost a large amount, over $100,000, and nobody knows any benefit the country has derived from it. A commission to inquire into the state of the country at the present time might bring some interesting information. The hon. gentleman has referred to pretty nearly all the questions which have been discussed. He stated his objections to the methods pursued and the influences brought to bear in the recent elections, and especially did he refer to the unfortunate and improper influence of local governments, denouncing their action. Perhaps the hon. gentleman has not gone so far in his denunciations as some other hon. gentlemen. For my part, I do not understand why a member of a government, as an individual, cannot, if he chooses, vote and use legitimate influence in an election. There is no other way by which we can get an expression of opinion. I can hardly see how anybody, independent in their action of the Dominion government, can be condemned for taking part in an election contest. Otherwise, I can hardly see why an aggregation of men like a local government cannot express their individual opinions and vote and exercise their influence. In the province from which I come, the government is made up of Conservatives and Liberals, and I dare say they all used the influence they possess as they conceived in the interests of the country. I am not aware that any fault could be found with that. It may be different with persons who are in the enjoyment of salaries, and who are the servants of the whole people, although appointed by a particular government. In those cases of course, it is a subject for consideration whether they are culpable or not; but when I hear hon. gentlemen expressing so much sensitiveness as to the right of certain people to express their opinions, I fail to remember other occasions when they expressed the same sentiments. On one occasion, not many years ago, a gentleman who was in receipt of a very large salary—ten or twelve thousand dollars and perquisites—who represented the whole people of this country at the English court, left his high position, his very important and responsible duties in London, and appeared on the scene in the Maritime provinces and took a very active part in the elections in order to secure the success of the party which had appointed him. I do not remember my hon. friend from Sackville, whom I respect very much, or my hon. friend from Rideau, denouncing that course of conduct.

Hon. Mr. CLEMOW—I leave that for you.

Hon. Mr. McCLELAN—With regard to the warrants, I shall not say much. They were issued by the Governor General, on

the advice of the government, to meet contingencies, evidently brought about by the action of the former administration. I do not think that members should very severely criticise the course taken on that occasion, provided the public funds have been properly applied according to law. They might better consider the application of public moneys which would certainly strike them as more important to consider, and more likely to be condemned by them and certainly by all honest men than the application of these moneys in the payment of the civil service who were legally entitled to their earnings. With regard to the Manitoba school question, all of us will agree that it is unfortunate that it has been drawn into the political questions of the day, and as my hon. friend said—and I quite agree with him—it is probable the bill was introduced with a view to influence the election. I have no doubt it has, and had it not been for that exciting of the feelings of race and creed, the majority for the present administration would have been doubled. If it had not an influence in that way, it does not speak well for the wisdom of the originators of it. I think the House is getting weary of this discussion, and I hope it will soon be concluded and the session brought to a close. I had a hope that by this time the business for which we were brought together would be transacted, and that we might return to our homes, but I observe that the discussion of these questions is taking considerable time. With regard to the future policy of the government which so many hon. gentlemen seem very anxious to hear, I am sure the hon. gentlemen representing the government here will be glad to receive suggestions. It is rather unusual to have this anxiety exhibited so early. But among other suggestions which I would be inclined to make, I would say that steps should be very early taken to do away with the Franchise Act, which has been so very expensive and which I think has been difficult of management. I hope certainly, if I may be allowed to give expression to my hope, that the government of the day will make that one of their first duties, and that we will have a simpler and cheaper method of preparing the electoral lists. Then there is the matter of the tariff. That is a very broad question. Of course, I think it would be premature to discuss that fully. I entirely differ from my hon. friend from Ottawa, and other hon. gentlemen that the National Policy has brought about anything like the prosperity they speak of. The country is full of resources and contains a great deal of natural wealth, especially in British Columbia, and there has been a very large, and increasing exportation, I have no doubt, especially during the last month. Hon. gentlemen take up the item of exports and speak of the National Policy as conferring great benefit to this country, and they quote exports of cattle, and cheese, and lumber. Not one of these things derives any possible benefit from the high tariff but rather sustain an injury. Every one knows the farmers in this country have derived no adequate or proportionate benefit from the National Policy; that the lumbermen cannot be considered as beneficiaries. These are the industries which are being developed, and I quite agree with the hon. gentleman that, so far as our farmers are concerned they are very much reduced in number. That is an indication of prosperity. I suppose, that they are very much reduced in number under the National Policy. But those who are left to till the soil they are doing their best under the circumstances. I scarcely think, however, that any one will undertake to argue that the exportation which comes from the tilling of the soil or the cutting down of the forest is to be credited to the high tariff. The truth is, all these things that we have heard of as denoting prosperity are problematical. If we had had no high tariff, we must necessarily have gone ahead and prospered to a very great degree. Tabulated statements, almost fictitious statements, have been put forward at the expense of this country; books have been written to puff up the American system of high protection. These have served a purpose, but I am surprised that the late government, with all their ingenuity and great power, with their Gerrymander and Franchise Acts and other expedients, could not devise some possible method by which the census would have been suppressed. That would have been something by which they would still be enabled to glorify themselves by claiming due to their policy the vast increase of people. There has not been much said since the publication of the census with regard to the great benefits of the National Policy until the people spoke in thunder tones on the 23rd June last.

Hon. M. ARMAND—Honorables messieurs, en débutant dans la discussion sur l'adresse en réponse au discours du Trône je vous dirai que je suis dans la vie publique depuis bien au delà d'un quart de siècle. Primo loco : Par la voie du peuple, dans le Conseil Législatif de l'union des Canadas. Secondo loco : par la voix de la Couronne dans le Sénat de la Puissance.

Cependant, malgré ce long espace de temps je n'ai rencontré qu'un gouvernement qui ait reçu du gouvernement impérial une marque d'égard, probablement pour le récompenser de son esprit de justice, de sa détermination ferme et énergique de rendre justice à la minorité catholique de Manitoba, opprimée par une loi injuste, tyrannique et vexatoire, en violation de la foi jurée et de la foi sacrée des traités.

Moi pour un, je n'ai jamais douté de la sincérité des promesses de l'honorable sir Mackenzie Bowell, ce vaillant chevalier qui par trois fois consécutives nous a juré en pleine séance du Sénat "qu'il serait fidèle à sa promesse. A moins donc que la mort viendrait me surprendre avant que de pouvoir exécuter le vœu de mon désir, et si parmi mes collègues, il y en avait qui ne voudraient pas me suivre je les remercierais et je les remplacerais par d'autres qui voudraient m'aider", et on sait s'il a dit vrai. Si j'avais eu des doutes, des craintes et des appréhensions, ces doutes, ces craintes et ces appréhensions auraient été dissipées par la réponse que ce vaillant chevalier a faite aux habitants de l'île de Terreneuve qui sont venus demander leur entrée dans la Confédération : "Oui," leur a répondu ce vaillant chevalier, "nous sommes prêts à vous recevoir à bras ouverts, nous ne discuterons pas présentement les questions qui devront être discutées lors de votre admission, mais nous allons vous en poser une seule qui sera comme une question *sine qua non* de votre entrée, c'est que vous laissiez à vos concitoyens catholiques le droit de pratiquer leur religion sans entraves".

J'avais aussi la même confiance dans son illustre successeur l'honorable sir Charles Tupper, ce vaillant chevalier qui, par son passé, son présent devait être pour nous une garantie pour l'avenir, et je suis persuadé que si, parmi ses collègues, il y en avait qui auraient osé le prier, le solliciter pour lui faire faire des concessions qui auraient pu être humiliantes et déshonorantes pour lui et pour ses compatriotes, il aurait su leur dire que s'il y a un temps pour céder, il y a aussi un temps pour résister.

Maintenant, honorables messieurs, quant au présent gouvernement qui a pour chef un puissant orateur qui a su s'entourer de collègues laborieux, intelligents, distingués et même de plusieurs vaillants chevaliers qui eux aussi par leur passé, leur présent doivent être une garantie pour l'avenir. Je leur dirai que s'ils ont la conscience de leur devoir, la conscience de la dignité de leur position, et même la conscience de leur conservation ils feront exécuter le jugement du Conseil privé de l'Empire britannique, le jugement de la mère-patrie. Oui, le jugement du Conseil privé de notre auguste, de notre très gracieuse, de notre bien aimée Souveraine, l'impératrice des Indes, de celle qui préside si dignement aux destinées d'Albion.

S'il en est ainsi, nous pourrons avoir la douce espérance qu'avant peu, tous comprendront que, puisque nous sommes tous appelés à respirer le même air, à nous abreuver de la même eau, à nous nourrir des aliments d'un même sol, à vivre et à mourir sur le sol canadien, nos intérêts doivent être les mêmes. Oui, nos intérêts sont les mêmes. Je sais que dans certaines questions de détail, il peut y avoir divergence d'opinion, mais jamais divergence d'opinion telle que l'on ne puisse pas s'entendre, que l'on ne puisse pas s'entre-donner la main, que l'on ne puisse pas aller bras dessus, bras dessous, en mettant ce qu'on appelle vulgairement parlant, un peu d'eau dans son vin. S'il n'en était pas ainsi c'est qu'il n'y aurait pas dans un des partis une étincelle de ce patriotisme épuré qui brillait dans ces anciens citoyens romains d'Athènes, de Rome et de Carthage,

Je ferai aussi observer au gouvernement, comme l'a judicieusement fait remarquer l'honorable secondeur de l'adresse qui est un ami dévoué du gouvernement, que le temps est arrivé d'enrayer ce funeste mouvement d'un grand nombre de nos concitoyens qui chaque année s'en vont grossir la population de nos intelligents et industrieux voisins. Comme il l'a judicieusement fait observer, le seul moyen c'est de favoriser l'agriculture qui est la base nécessaire de la société, le levier le plus puissant de la prospérité des peuples. Nous pourrions aussi ajouter le commerce qui est, si je puis m'exprimer ainsi, comme deux sœurs boiteuses dont l'une ne peut bien marcher sans l'autre.

Le gouvernement fédéral devrait s'entendre avec les gouvernements des différentes provinces de la Puissance pour enrayer c

funeste mouvement en donnant à nos concitoyens les moyens de vivre plus heureusement sur le sol natal qu'à l'étranger. Je félicite le gouvernement de Québec qui fait des efforts pour favoriser l'agriculture qui est le talisman le plus puissant pour arrêter l'émigration. Je dois dire aussi au leader du Sénat que moi pour un, je ne suis pas de ceux qui croient, qui pensent que les changements constitutionnels ne sont pas toujours propres à procurer le bonheur des peuples, surtout par la multiplicité des élections. Je termine, honorables messieurs, mais avant que de prendre mon siège, avant que de m'asseoir, je dirai au gouvernement que j'ai été fier et heureux d'apprendre par le discours du Trône que justice va être rendue à la minorité catholique du Manitoba et ce, avant peu. S'il en est ainsi, l'histoire le félicitera et le regardera comme un phare lumineux vers lequel les gouvernements qui seront appelés à lui succéder pourront dans leur moment de crise et de découragement, tourner leurs regards vers lui afin de s'engager à l'imiter et à pratiquer ce vieil adage qui quoique ancien n'en est pas moins vrai, vieil adage qui dit : "Fais ce que doit, advienne que pourra."

THE SESSIONAL COMMITTEES.

MOTION.

Hon. Sir OLIVER MOWAT—The House will concur with me in considering it desirable that we should have an order passed at once for a committee to strike the usual standing committees of this House ; and therefore I move :

That the following Senators be appointed a Committee of Selection to nominate Senators to serve on the several Standing Committees : namely, the Hon. Messieurs Sir Mackenzie Bowell, De Boucherville, Clemow, Lougheed, Miller, Macdonald (Victoria), Power, Scott, and the mover, and to report with all convenient speed the names of the Senators so nominated.

The motion was agreed to.

BILLS INTRODUCED.

Bill (A) "An Act to amend the Railway Act."—(Mr. McCallum.)

Bill (B) "An Act further to amend the law respecting Building Societies and Loan and Savings Companies, carrying on business in the province of Ontario."—(Mr. Aikins.)

The Senate then adjourned.

THE SENATE.

Ottawa, Thursday, 3rd September, 1896.

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

FIRST READING.

Bill (C) "An Act respecting the payment of policies of insurance by foreign companies."—(Mr. Lougheed).

THE DIVORCE COMMITTEE.

MOTION.

Hon. Sir MACKENZIE BOWELL presented the report of the Committee appointed to nominate standing Committees.

Hon. Sir OLIVER MOWAT suggested that it would be well to adopt the report of the Committee at once.

Hon. Mr. MILLER suggested that it would be better to let it stand until to-morrow.

Hon. Sir MACKENZIE BOWELL—The feeling of the Senate is to allow the report to stand in the usual course until to-morrow. In the meantime, it will be printed in the minutes of proceedings, and each member will have an opportunity of reading it. The object which the leader of the House had in view in suggesting its adoption to-day, was to save time and allow one or two of the Committees to organize and consider the business to be brought before them. I know the Divorce Committee is anxious to begin its work, although I see very little prospect at present of any bill being passed this session. I understand the Premier has stated that no business will be transacted by parliament this year except the passage of the estimates. If I am not correct in my interpretation of his language, I have no doubt the leader of the House can set me right, but in order to bring the matter properly before the Senate, I move that the said report be taken into consideration to-morrow.

Hon. Mr. CLEMOW—With reference to the Divorce Committee, if it is intended to press these bills at all, it is necessary they

should go before the committee immediately. The committee, if appointed, can meet tomorrow and report the initial proceedings, which will enable the parties having charge of the bill to move its second reading, and then the bill can be posted fourteen days, during the time of the proposed adjournment. For that reason, it is important that the committee should receive the sanction of the Senate.

Hon. Mr. SCOTT—The only change made on that committee was, I think, placing on it the leader of the House, Messieurs Baker, Boulton, Kirchhoffer, Lougheed, McKindsey, Sir Oliver Mowat, Primrose, Prowse, and Wood. I presume the House will have no objection to adopt the formation of that committee.

Hon. Sir MACKENZIE BOWELL—I move that the Committee on Divorce be adopted forthwith.

Hon. Mr. ALMON—I move an amendment that Judge Gowan's name be added to that. Judge Gowan had a great deal to do with that committee in the first instance, and we are very much indebted to him for the improvements he effected, enabling the committee to transact business more promptly and efficiently, It would be very discourteous to pass him over.

Hon. Sir MACKENZIE BOWELL—There could be no possible objection to placing Senator Gowan on the committee had he not positively refused last year to act, and asked as a favour to have his name omitted during last session. If the suggestion is to prevail, it must be to substitute Judge Gowan for some other member on the committee, because the committee is limited, under the rules, to nine members.

Hon. Mr. ALMON—I think Judge Gowan declined on account of several things that took place during that session, but he should be asked if he still declines to serve. If he declines to serve, it will be a very great loss to the committee, but I think the courtesy should be extended to him to ask him to serve on the committee.

Hon. Mr. PROWSE—I notice my name is mentioned as a member of that committee. I should like to place my vacancy at the disposal of the Senate in order that they may appoint Judge Gowan.

Hon. Mr. GOWAN—I refused last session to be a member of that committee under circumstances which no longer exist, but I have no desire whatever to be on the committee, and I think the committee is very well constituted as it is.

Hon. Sir MACKENZIE BOWELL—If the hon. member from Barrie is willing at present to serve on that committee, and the Hon. Mr. Prowse is anxious to leave it, we might adopt the suggestion of the junior member from Halifax and substitute the one for the other — that is, if the hon. member from Barrie has changed his views. I should like to see him on the committee. His long experience and knowledge would make him an invaluable member of it.

The name of Senator Gowan was substituted for that of Senator Prowse and the motion as amended was adopted.

THE POINTON DIVORCE CASE.

PETITION PRESENTED.

Hon. Mr. McINNES (B.C.) presented the petition of Charles Edward Uton Pointon for a divorce.

Hon. Mr. MASSON—What is the use of inducing those people to go to the enormous expenditure involved in an application for divorce when it is not settled yet whether the government will allow any bill to pass this session? The Government should be in a position to state whether they intend to carry out the policy stated by the Premier in the House of Commons the other day—that no legislation, with the exception of the estimates, would be allowed to go through this session. Now, if that is the case, what is the use of permitting those people to go to unnecessary expenditure, and what is the use of forming committees?

Hon. Mr. MILLER—Of course the parties having business before the Divorce Committee will proceed at their own risk. If it is in the power of the House to give them assistance, it will no doubt be done—the House would be inclined to return the fee if the case cannot be carried through, but the regular course is to appoint a com-

mittee and allow the parties to proceed at their own risk, if they think proper to do so.

DISMISSAL OF PUBLIC OFFICIALS IN PRINCE EDWARD ISLAND.

MOTIONS.

Hon. Mr. FERGUSON moved :

That an humble address be presented to His Excellency the Governor General praying that His Excellency will cause to be laid before the Senate, a list of names of trackmen and all other employés of the Prince Edward Island Railway, whether temporary or permanent, who have been dismissed since the eleventh day of July last, stating the length of service of each employé, as well as the authority and reason for his dismissal.

Also, a list of names of all new employés, whether temporary or permanent, engaged since the above date, and the nature of their employment.

That an humble address be presented to His Excellency the Governor General praying that His Excellency will cause to be laid before the Senate, copies of all Orders in Council, departmental orders and all correspondence relating to the appointment of Michael McCormack and Patrick McBride, as fishery officers in the province of Prince Edward Island.

Also, copies of all Orders in Council passed since the eleventh day of July last, authorizing the dismissal of fishery officers in the said province, together with copies of all letters from the Minister of Marine and Fisheries, or any other of his officers, since the above date, relating to the dismissal of said fishery officers.

And also, a list of names of all persons appointed either by Order in Council or departmental order, as inspectors, overseers, or guardians of fisheries in the said province, since the eleventh day of July last, stating the salary or remuneration in each case.

I put those two motions together, as they deal with matters of a similar character, and perhaps it would be as well to discuss them together. I propose, with the consent of the House, to make a few observations on them.

Hon. Mr. POWER—Before the hon. gentleman goes any further, I should like to ask him whether or not motions substantially the same as these have already been adopted in the House of Commons, and the papers are coming down.

Hon. Mr. FERGUSON—I know some of the information asked for in these motions is not included in any motion before the House of Commons, but even though it were I do not think that that would take away from this House the right which it possesses of asking for any information on its own account.

Hon. Mr. POWER—There is no question about the right.

Hon. Mr. FERGUSON—These motions have reference to certain dismissals that have been made recently in the public service, in the province of Prince Edward Island. We are all agreed, I hope, on this, that the permanency of the public service of this country is one of the features of our government, which we appreciate highly and which we have always prized as being a valuable feature in our institutions as compared with the spoils system existing in the United States. I hope that the feeling of unrest that prevails in the country to-day, both in the minds of public officials and in the minds of the people generally, with regard to some of the changes which have been made and other changes which are said to be impending in the public service of the country, may prove to be groundless and that it will be found that, notwithstanding the recent change in the administration of the country, the public service, as long as the officials do their duty and abstain from offensive partisanship, will be maintained inviolate. We know that the great man who gave form and character to our institutions in Canada more than any other man, Sir John Macdonald, during the whole course of his political life and especially, as I know, since the establishment of confederation, stood firmly on the ground that we should have a permanent and efficient civil service, and that there should be no changes for political reasons. That was the ground taken on the whole, and firmly taken by the several governments which have administered the affairs of Canada I may say since confederation, with some exceptions, particularly in Prince Edward Island in 1873. I make this remark as applying to both Liberal and Conservative administrations. It would be a matter for grave concern if, on the present occasion, any departure should take place from that good and wholesome rule which has been so long followed and which has worked so well. Lord Dufferin, when Governor General of Canada, gave expression to some views which are worthy of consideration in this House and by the public at the present time. He said :

After all the chief danger against which you will have to guard is that which concerns the civil service of the country. Now, the civil service of the country though not the animating spirit is the living mechanism through which the body politics moves and breathes and has its being. Upon it depends the rapid and economical conduct of every branch of your affairs. And there is nothing a nation should be so particular about as to secure in such a service independence, zeal, patriotism and integrity. But in order that this should be the case it is necessary that the civil servants should be given a status regulated by the acquirements, then pursue qualifications, their capacity for rendering the country efficient service, and that neither their original appointments nor their subsequent advancement should in every way depend, on the political connections or opinions. If you will take my advice you will never allow your civil service to be degraded into an instrument to subserve the ends and interests of any political party. The success of a political party ought to depend upon its public policy and the ability of its chiefs and not upon the advantage likely to accrue to its individual adherents. In fact the more the area of personal profit consequent on a change of government is limited the better for the country at large.

These sentiments with regard to the appointment of officers in the first instance have never been adopted in Canada, and it is utterly hopeless to expect that we should go that far at present and insist that the original appointments should be made entirely independent of political opinions. But while it is impossible that we should be able to go that far, yet still, with regard to the retention of able, competent officials, we have been standing so long and fairly well on the ground stated by the Earl of Dufferin that it is to be hoped no departure from the principle will be made now. During the administration of the government of Sir John Macdonald in my own province, there were very serious difficulties. In 1873 the province had just come into confederation, and although the supporters of Sir John Macdonald, the Conservatives in the province, had been the advocates of confederation and although they had also been the advocates of the construction of the railway in the province, yet still in the changes of politics in 1873 the Dominion patronage regarding the railway and all other matters passed into the hands of their opponents, and in 1878 I well remember the strong pressure that was brought to bear from Prince Edward Island that these officials who had in the estimation of their political opponents reaped undeserved rewards in 1873 should be removed to make place for those who had rendered public service in the days of confederation and railway agitation in the province, but Sir John Macdonald and his government were firm and would not allow any change to be made for political reasons, and the men appointed in 1873 continued in the service of the government—those who lived—and some of them do continue up to the present time. These officials are known to be generally strong Liberals and have always been so, and have received promotion from time to time and have been retained in the service, except in those natural changes which take place from time to time. A few old men have been superannuated and others have died or passed out of the service, but those who have remained able and willing to discharge their duties have been continued up to the present time. Now we hear a great deal at the present time about changes, and my object, more than any other, in bringing this notice before the Senate is to call the attention of the government, as well as of this House, to some correspondence which has come under my eye relating to political changes in the province of Prince Edward Island. I have a letter here which I will read to the House which will show exactly what I mean. It is from the agent of the Department of the Marine and Fisheries, Charlottetown, Mr. Artemus Lord:

MR. P. MCBRIDE,
Central Bedeque.

SIR,—I am instructed by the Minister of Marine and Fisheries to inform you that in consequence of the change in the administration, your services are not any longer required, and that as your yearly engagement ended on the 30th June, 1896, you are no longer considered a fisheries officer, and your successor will be at once appointed.

You will send me all papers and other matter in your hands belonging to your department so that I may hand over to the next officer whoever he may be.

Thanking you for all former kindness and assistance,

I remain, sir, yours,
A. LORD.

Hon. Mr. SCOTT—Who is the writer o that letter?

Hon. Mr. FERGUSON—The letter reads, I am instructed by the Minister of Marine and Fisheries to inform you, etc.

Hon. Mr. SCOTT—Who is it signed by?

Hon. Mr. FERGUSON—Mr. Artemus Lord, agent of the Department of Marine and Fisheries, and he says he is instructed

by the Minister of Marine and Fisheries to inform him that as there has been a change in the administration his services will be no longer required. It goes on and sets forth that his engagement ends on the 30th June, 1896. I have documents here relating to McBride's engagement and I find that he received this notice the 7th February, 1891 :

DEPARTMENT OF FISHERIES,
OTTAWA, 7th Feb., 1891.

The Governor General has been pleased to appoint you a fishery officer, under the amended Fisheries Act, at a salary of $100 per annum, which will be reckoned from the 1st January, 1891.

Now, I wish to point out two facts : first, that this officer was appointed by Order in Council, and that his appointment was not for any particular year, but he was appointed to a permanent position ; and therefore the two reasons, the first that he was dismissed because there was a change in the administration, and the second because the term of his engagement had expired on the 30th June, are both of them very extraordinary to me. It seems to me, from reading this correspondence, that this officer, who was appointed by Order in Council on the 7th February, 1891, has been dismissed at the sweet will of the minister himself, without any Order in Council. If there was such Order in Council, it is not set forth in the notice, and is not referred to in the notice at all, but he is simply told to go about his business because there has been a change in the administration. One of the objects I had in moving for the papers is that we may have the Order in Council brought down appointing this man, and also the Order in Council dismissing him, if such order has been passed. And I have another case almost precisely similar. A Mr. Michael McCormick, who was also fishery overseer in another part of the province, received a similar notice. He was also appointed by Order in Council, and was told in the same way, that, as there was a change in the government, his services were no longer required. I wish to know whether these men were dismissed at the sweet will of the minister, or whether there was an Order in Council dismissing them. I think when a man is appointed by Order in Council, it takes an Order in Council to dismiss him and it is not competent for the minister to cancel the appointment. The minister may suspend him but cannot cancel his appointment. The power to cancel rests with the Governor in Council alone. Then we have, in connection with this matter, another officer appointed. I see Mr. Hopkirk has been performing these duties and has been styled Inspector of Fisheries in Prince Edward Island. I am aware that Mr. Perry, former member of parliament, has been appointed inspector, and I wish to ascertain whether a second office of inspector has been created. Under the Conservative administration in the province there was one inspector, Mr. Hackett, now a member of parliament, and there were two overseers, one for each of the outlying counties, but in the central county of Queen's it was held that there was no necessity for an overseer, that the duty could be performed by the agent and those at present employed there without the appointment of an overseer. It seems a new office is created in the central county of Queen's and that another gentleman is now performing the duty of inspector or overseer in the county of Queen's ? I wish to obtain that information and for that reason I have made the motions which stand on the paper.

Hon. Mr. MACDONALD (B.C.)—Who was Perry ?

Hon. Mr. FERGUSON—Mr. Perry was the former member for Prince county. I have no objection to the appointment of Mr. Perry. Mr. Hackett resigned his position to become a candidate for the House of Commons, and Mr. Perry becomes his successor as inspector, while Mr. Hackett succeeds Mr. Perry in the House of Commons. I wish to say two or three words in this connection with regard to railway dismissals. Altogether, I think, some 30 or 40 men have been dismissed from the service of Prince Edward Island Railway. A good many were temporary men, not on the permanent list, but in most of the cases they were told they were not to come back on the following morning, and other men, as labourers, took their places. I think it is rather a poor practice on the part of any government or department to dismiss mere labourers, for political reasons, and during my own knowledge of the practice with regard to employment of that kind of labourers on the Prince Edward Island Railway there was never any question asked of any man seeking employ-

ment there as to what political party he supported, although in the more important offices, our friends there believed when vacancies occurred and opportunities for employment came, their friends were best entitled to it, but when it came to labourers for discharging coal, and so on, it was never inquired how they voted. Labouring men generally applied direct to the railway and were taken when their services were required and were kept as long as they were needed and did their work well, but here we have these poor labouring men, some voting one way and some another, dismissed. We find the pressure has been so strong that these labourers have been sent away and another set put in their places for political reasons. I really think although there may be in the matter of temporary labour of that kind no serious violation of the civil service practice in this country, yet I do think my hon. friend the leader of the House and my hon. friend the Secretary of State will seriously think it over, and I am sure from what I know of these gentlemen, that they would not approve of the dismissal of poor labourers in that way, for political reasons, but there have been some dismissals on the Prince Edward Island Railway which are of a different nature. I have letters among my papers here, received from employés and some of their friends—I have the case of one man, Mr. Anthony Dougan. I know him well myself. He has worked for 18 years on the Prince Edward Island Railway, first as temporary trackman, then he was promoted and became trackman and some two or three years ago he was offered a position of foreman on a section, but in consequence of that promotion being tendered to him at a distance remote from his home, he refused to accept it and preferred to remain as a trackman under a foreman than to take a foremanship for himself. That man never used any political influence and never tried to use any and simply voted. He was dismissed. He was contributing to an insurance fund on the road for 18 years, yet on one day's notice he is dismissed and a man without any experience is put in his place. There have been other cases of that kind within my own acquaintance, and I think it is altogether wrong on the part of a government or the management of a road to pursue such a course as that. I am the more astonished it should be pursued from the fact that the present Minister of Railways has given expression when running his election in the united counties of Queen's and Sunbury to sentiments with which I entirely agree and which were most credible to him, but at the very same time when he was giving expression to these sentiments the things which I have been describing were going on on the Prince Edward Island Railway. This is what the Hon. Mr. Blair says in a speech at Fredericton Junction:

> They were not going to use the railway system of Canada as a means of corrupting the voters of the country. Another thing they were not going to do and he as Minister of Railways would not remain in office one hour if it were done—they were not going to say to the thousands of men employed on the government railways, you have got to vote for the government or lose your positions. He wanted it known that the government was going to give its employés the free exercise of their franchise. So long as employés do not make themselves offensive they shall be allowed to act as their judgment dictates.

These are views that I am sure will commend themselves to every member of this House, and I cannot refrain from expressing my hope that when the Minister of Railways comes to take entire control of his department that he will see that these things which have been done when he was necessarily absent from the capital running his departmental elections, shall not be persisted in, and we shall have a better course pursued in that department. I do not propose to follow this matter up any further. My object has been to put in my protest against this kind of treatment of public servants. I admit freely that if any public official is found to give the time that is required to be given to the duties of his office to anything else especially to the political service of any party that he should suffer for it. But I think when any such charge as that is made against any official he should have a fair and full investigation so that it could not happen that parties who were anxious to get his place and the emoluments connected with it should misrepresent his conduct. An incident of that kind showing the value of an investigation occurred in the Prince Edward Island Railway service in Charlottetown. In a former election it was charged that Mr. Sharpe, freight agent at that place, known to be a strong Liberal, had devoted himself to canvassing for the Liberal candidates and had used his influence improperly. An in-

vestigation was held and the result was to satisfy the Department of Railways that Mr. Sharpe had not done anything inconsistent with his right as a citizen of this country and that he had not acted offensively as a partisan, although he had voted and worked for the opposition. Mr. Sharpe has been retained in his position, his salary has been advanced and he never suffered by any treatment from the late government for what he had done. I mention that as the proper and manly course to pursue.

Hon. Mr. McINNES (B. C.)—I quite agree with the opening remarks of my hon. friend, in which he stated that he believed in a permanent civil service. I have always been in favour of that, but many years ago I was fully convinced that that could not be maintained from the manner in which civil servants were appointed, and the manner in which they discharged their duties. Hon. gentlemen, by referring to the Senate Debates of 1888, will find that I had the honour of moving an amendment to the Dominion Elections Act which, had it been adopted at that time, would have removed any ground of complaint on the part of the hon. gentleman who has made these motions or his friends. In fact, it is owing to the course which he and his friends pursued on that occasion that many civil servants are in the unfortunate position they occupy to-day. Hon. gentlemen will find that when the bill to which I refer was before this House I moved the following amendment :

That the said bill be not now read a third time, but that it be re-committed to a committee of the whole House for the purpose of amending the same as follows :—

Page 5, line 28—After "Act" insert clause "A."

CLAUSE "A."

The following persons shall not solicit any vote for any candidate at an election of a member to serve in the House of Commons of Canada, canvass for any such candidate, speak for or against the interests of any such candidate or any meeting held during such election, or take part in any such election other than voting, namely :—

(*a*) Members of the civil service of Canada within the meaning of the "Civil Service Act," whether belonging to the inside or outside division thereof.

(*b*) All persons employed in the North-west Territories in or under the several departments of the Executive government of Canada or receiving for such employment a fixed salary payable out of the public funds of Canada.

(*c*) The permanent officers, clerks and servants of the Senate, the House of Commons and the Library of parliament.

(*d*) The Auditor General.

(*e*) The officers, clerks and messengers of the Supreme Court of Canada, the Exchequer Court of Canada and the Supreme Court of the North-west Territories, and of any other court or civil or criminal jurisdictions constituted under the legislative authority of the parliament of Canada.

(*f*) All persons to whom the provisions of "The Civil Service Superannuation Act" apply.

And every one who offends against the provisions of this section is liable to a penalty not exceeding two hundred dollars, or to imprisonment for a term not exceeding two months, or to both such penalty and imprisonment.

I wound up my remarks, after a very protracted debate which took place, in the following manner :

I wish also to say that whenever there is a change of government, if a number of civil servants who have been exceeding their duties and who have been the too obedient tools in the hands of their superiors are decapitated, they will have only the present government and their supporters to blame for it, and that responsibility may come earlier than the hon. gentleman from Sarnia imagines.

I might say on that occasion the hon. gentleman from Sarnia took very strong grounds against the amendment which I had moved. That motion received sixteen votes in support of it and thirty-one against it. The change of government has taken place, and, as I said on that occasion eight years ago, if a great number of civil servants find themselves in an awkward position—in fact dismissed with comparatively no notice—they must blame the late government for it. It is a well known fact—I do not think there is an hon. gentleman in this chamber but knows it—that the promotions of a large number of those civil servants depended on the political services they could render during a campaign. After I placed that notice on the Order Paper of this House, a number of civil servants, from deputy ministers down, wrote to me thanking me for what I had done, because they wanted to be relieved from the pressure brought to bear on them by the ministers in their departments, forcing them on many occasions to go out and vote and work for or against candidates. My claim was that the civil servants should be the employés of the State, not knowing a Liberal or a Conservative Government—that no matter whether the Liberals or Conservatives came in, as long as a civil servant discharged the duties of his office, he was a permanent fixture in the country. Taking them as a whole, we have probably as fine a civil

service as there is to be found in the world, but there are exceptions, and many exceptions, men who have been placed in positions for which they were not qualified, owing to the political influence they or their friends could bring to bear in favour of the Government. I am not saying this in a partisan spirit. Had the Liberals remained in power the same length of time, no doubt they would have acted the same way. The motion which I moved about eight years ago I am more strongly in favour of to-day than I was then. It should not be placed in the hands of a Liberal government or a Conservative government to use the civil service to further their political ends. I will go further than that—hon. gentlemen may think I am radical in that particular—I would have the Election Act amended so that civil servants should be placed in precisely the same position as judges so far as voting is concerned. It is only in that way that the civil service can be trusted by the government when a change of government takes place. It would be doing the civil service a great deal of good—it would make free men of them. A great many say why deprive them of the right of the franchise which is such a sacred privilege of every British subject? Any man taking a position in the service would do so knowing that he must submit to certain conditions, and he would be placed in a position in which he could render more valuable services to his country than if his name was allowed to remain on the list and he had the privilege of going out and canvassing and voting for or against any candidate. I am very sorry indeed that the amendment that was moved on that occasion was not adopted, and I sincerely hope that the present government will see their way clear towards adopting the ideas that some of us maintained here eight years ago, and then we will hear no more complaints coming from any part of the country about the dismissal of civil servants. I know during this last election a great number of civil servants ought to have not merely their heads but their necks cut off as well. They were presidents of political associations, and they went out and worked and did everything they possibly could for their respective parties. These men should be in a position where they would be precluded from doing anything of the kind, and I trust the government will see its way clear in the near future to amend the present Act in the direction which I have indicated.

Hon. Sir OLIVER MOWAT—There is a great deal of force in what my hon. friend has just said in reference to what would be the best rule for the country and the best rule for the civil service. I have not had occasion to consider the motion just as my hon. friend has put it, but there is certainly a great deal to be said in favour of his view. My hon. friend has spoken with great force in reference to some of those reasons. It is not the British rule, any more than it is our own rule, to exclude civil servants from the right of voting. Perhaps we have not gone far enough. I can rejoice however that we have not adopted the American system. I quite concur—the party to which I belong has always concurred—in the propriety of the civil service not being dealt with as they deal with it amongst our neighbours. When my friend Mr. Mackenzie formed a government here, the government offices were full of persons opposed to him politically, but notwithstanding that, none were removed from office just because they were opposed to him. His case was a very strong one, because he often complained, afterwards—I dare say some of his letters complaining have been published since his death—that he was greatly embarrassed by the hostility of the officials who were retained in office—that matters which ought to be most confidential he was unable to rely upon being treated in that way; but notwithstanding all that, he stood by the rule and the Liberal party stand by the rule still, that political differences should not disqualify a civil servant from retaining his employment—that a change of government ought not to involve an indiscriminate change of the officials. I am not sure that we substantially differ in regard to what the true rule should be. My hon. friend, the Premier, and other members of the government have stated it publicly, so that I have not to announce it now for the first time, but it is substantially what my hon. friend suggests is the true rule. My hon. friend feels and admits that active partisanship ought to disqualify a man, and if the government choose to remove a man who has been guilty of active partisanship against those who have now become his superiors, they have a right to do so. They may not choose to exercise that right, but it is a right that

they ought to be considered as possessing. The government of Ontario has happily been in the possession of the Liberal party for nearly a quarter of a century, and the rule which has been suggested here as a true rule, which the premier has stated to be the true rule, and which I state now to be the true rule, is the one we followed during the whole of those twenty-five years. In fact, we retained in office men who had become disqualified upon the rule laid down by my hon. friend. We had officials who took an active part in politics against us, particularly I have in my mind now some division court clerks and bailiffs. They were active men of their party. They were members of committees, active members, chairmen of committees and so on, but notwithstanding all that, notwithstanding that we had a perfect right on every sound principle to remove them, we did not do so and I mention that in order that the House may see what rule we acted upon and what course we took under my premiership. The same course was taken by my friend Mr. Mackenzie during the time he had charge of the government of the country. Now there are some offices, no doubt, of a confidential kind which must be filled in the public interest by those who have the confidence of the government of the day, but most of the offices are not of that character. Some men in that position you may safely trust, others you may not safely trust, but I rejoice to be able to say, that whilst the officers of the government at the time of the Liberal government being formed in my own province, were very largely Conservative, I am glad to be able to say I am not aware of a single instance in which the officials who occupied such positions were not faithful to their superiors for the time being. I feel no disposition, therefore, to lay down a different rule from that which has been followed by the Liberal party hitherto, and substantially by the Conservative party too. Now, with reference to the particular circumstances of the cases to which my hon. friend referred, I cannot go into them. My hon. friend's motions are merely for the production of papers, and I did not anticipate he intended to give us a statement of facts in reference to these persons before the papers were brought down. I have no doubt, however, that the facts are such as to justify what has been done. I am not aware that there is any difference of opinion amongst the various members of the government, or any inclination on the part of any of them to act on a different rule from that which we all agree substantially is the correct one, and I apprehend, regarding those particular cases, that when we have all the facts connected with them before us, everybody will be satisfied that the rule has not been violated in those cases. I will make one further remark in reference to that. My hon. friend has read the letter addressed to one, or perhaps both, of the gentlemen named in one of his notices. I venture to say, with great confidence, that that letter was never seen by the Minister of Marine, and was not in a form of which he would have approved. It was in accordance with the form of what was meant to be communicated to the gentleman who wrote that letter. I rather fancy it was his own notion that he was putting in the letter, honestly putting it, I suppose, but still putting his own notion in regard to the reasons for the removal. However, I do not claim to have a knowledge of the details of those cases, as I would have if I had anticipated that those details would be brought in question here. All I have further to say is that we will gladly produce all the papers, and have any case investigated bearing upon the rule which we have had under discussion.

Hon. Mr. POWER—The discussion which has taken place has shown that the view which I took before the hon. gentleman from Marshfield spoke was the correct one. I am not as young in the Senate as the hon. gentleman who now leads this House, and I understand the hon. gentleman from Marshfield rather better than the hon. leader does. I anticipated just the kind of speech the hon. gentleman has made, and I indicated that it was inconvenient that a statement such as the hon. gentleman has made should be made here, when there was no one who was prepared from a knowledge of the circumstances to reply satisfactorily, more particularly when those same motions, or motions substantially identical with them, had been made in the other House of Parliament, where the minister concerned was present. When I ventured to say that motions identical with those which he was about moving had been passed in the other House, the hon. gentleman from Marshfield undertook to tell me that I was mistaken. Now I refer to the House of

Commons Hansard for the 31st August, and I find there Mr. Hackett moved:

For copies of all letters and papers relating to the dismissal of Patrick McBride, late overseer of fisheries for Prince County, Prince Edward Island.

That is the gentleman whose dismissal the hon. gentleman has talked about, and the member for Prince in the other House discussed the matter in a comparatively long speech. The question of the dismissal of the trackmen was also discussed in the House of Commons. As a matter of party politics, I do not think it amounts to very much, but I do not think it is a dignified position for the Senate to assume, to take up little local matters of this sort, which have already been dealt with in a place where party politics are supposed to be more at home than they are here. If there had been no hon. gentleman representing Prince Edward Island, in the House of Commons, who belonged to the Conservative party then the hon. gentleman from Marshfield would have been perfectly right and justified in bringing these matters up, because that would then be the only way in which they could be brought to the public notice. The majority of the members from Prince Edward Island, in the other House are Conservatives, and these matters have already been brought up there; and I really think a proper regard for the dignity of the Senate should prevent our bringing up those election difficulties in this House, under circumstances such as the present where there is an opportunity to bring them up elsewhere. The hon. gentleman from Marshfield assumed a very high tone with reference to the dismissal of labourers, and thought it was a very small thing that the ministers should notice the politics of labourers. I am disposed to agree with the hon. gentleman from Marshfield; but I regret to say that the doctrines which the hon. gentleman lays down here are not at all in accordance with the uniform practice of the party to which the hon. gentleman belongs. The Intercolonial Railway, from one end to the other, was used by the late administration as a political machine. Instances can be given by the score. My hon. friends from New Brunswick, I presume, can give a great many instances. I know of some myself. For instance, there was some work being done on a branch of the Intercolonial Railway near Halifax some time before the elections; work had been going on about a year; and the rule on that piece of road was that the contractor could not take on any man who did not bring a certificate to show that he was prepared to vote for the Conservative candidates, or to support that party.

Hon. Mr. ALMON—Can you give us authority for that assertion?

Hon. Mr. POWER—If my hon. friend wants an inquiry, an inquiry can be had, and the witnesses can be brought up. It will cost a little; but in the interests of truth the expenditure might be justifiable. Take another case, there was a new drill shed being erected at Halifax, and the same line was adopted with the men employed there; they must be men who would be prepared to vote for a Conservative candidate. There were some hundreds of workmen, a great many men employed as labourers in connection with the railway works about Halifax, and I do not suppose there was one in a hundred who was known to be a Liberal. The late government held that they were bound to stand by their friends, and that anybody who was not a friend of theirs was not entitled to touch a dollar of public money, unless that man happened to be protected by the rules of the civil service. I am glad to learn from the speech made by the present Minister of Railways, and quoted by the hon. gentleman from Marshfield, that the condition of things which has prevailed on the Intercolonial Railway, and which has been so degrading to the manhood of the employés on that work, is to be discontinued under a Liberal administration, and that the men will be allowed to vote as they please. There is just one more observation I may be allowed to make; the hon. leader of the government said he rejoiced that the spoils system which prevails in the United States does not prevail here. I think the hon. gentleman did not consider the whole force of the statement he was making; because while it is true that up to a comparatively recent period, the spoils system did prevail in the United States, during the past 10 years a very large number, in fact the greater number of the civil service employés in the United States have been put under the operation of the Civil Service Act, and the employés are not now, in most departments, liable to be dismissed upon a change of government.

Hon. Mr. ALMON—I am very much astonished to hear the assertions made by the hon. gentleman from Halifax. As a general thing he does not indulge in charges in support of which he cannot bring the slightest proof. He says the members for Halifax (Mr. Stairs and Mr. Kenny) sent letters saying that no person was to be employed unless he had a certificate from them. That can be easily ascertained by asking Messrs. Stairs and Kenny, and I think they will say they never did anything like that. The hon. gentleman remembers that a row took place there, and other labourers were put on the drill shed and around the drill shed, some of whom were Newfoundland men. Does the hon. member mean to say that those Newfoundland men were pledged to vote for the Conservative member where they had not any possible vote? Would you put such absurdities down the throats of the Senate? These men came down to Nova Scotia, just landed there, and had not the slightest right to vote. Does the hon. gentleman mean to tell me that these men had letters from Messrs. Stairs and Kenny? Everything the hon. gentleman said belies his former record on this side of the House. Whether the hon. gentleman left his record over here when he crossed the floor I do not know. What should be done is to get a letter from Mr. Kenny and Mr. Stairs denying it. The hon. gentleman has made an assertion of which he had not the slightest proof. I thank the leader of the House for the manner in which he spoke. I always had the highest respect for him; and he has shown a great dislike for these low, petty politics. I am very sorry to hear the assertions made by my hon. colleague, for whom I have a great regard, and I think he will be sorry for them himself. I hope I shall never have occasion again to speak in the way I have done.

Hon. Sir MACKENZIE BOWELL—Before the motion is put I should like to ask the leader of the House whether the doctrines which he has laid down to-day in the very apt speech which he made in reference to the civil service apply to the employés of the civil service of the provincial government, of which he was the head, when their interference is in connection with Dominion elections? Because, if his remarks apply to the civil service of all governments upon all questions affecting the election of members, either to the Dominion House or to the Local House, then we shall understand better the position in which we stand.

Hon. Sir OLIVER MOWAT—I am not quite sure that I understand my hon. friend.

Hon. Sir MACKENZIE BOWELL—My hon. friend to my right used the word "offensive," but I understood the hon. leader of the House to lay down the principle that all "active" political interference against the government of the day, or in favour of the government of the day, should be dealt with summarily by dismissal. That I understand to be the position. What I want to ask is whether he applies the principle to an employé of the provincial government when he takes part in an election either in favour of the Dominion candidates supporting the government, or in favour of the candidates opposing the government.

Hon. Sir OLIVER MOWAT—I do not say that one who takes an active part in an election must be dealt with by being removed; but what I say is that when he does so, there is a right to remove him upon that ground though there may be no other, and I distinctly said that then it is for the government to choose whether they will avail themselves of that right, and act upon it, or not. I am not quite sure how the rule applies to the other case that my hon. friend put. Hitherto it has not been considered an objectionable thing on the part of any government that their employés should exercise their judgment in regard to any matter outside of their relation with the government with which they are connected. I do not know that it has ever been a subject of practical discussion or decision,—how an official of a government stands who takes part in an election relating to another government altogether. I am not prepared to say how that is. That is entirely a new question. I know—it would be absurd to pretend not to know—that a number of officials of the Ontario government do take an interest in Dominion politics, and some have taken an active part. As it happens that we sympathize with the party on whose behalf they were acting in that way, it would be absurd for us to dismiss them because they were too zealous for our common principles. What position they may

have placed themselves in with reference to the party they opposed in Dominion affairs, if it should be the fortune of that party to get control of the provincial government, I cannot say.

Hon. Sir MACKENZIE BOWELL—I think I understand the position taken by the late premier of the Ontario Government now, but what would be the position of almost every official in Ontario if, after the next election, they the Liberal party should happen to lose power as we lost power here lately? Then the principle which the hon. gentleman so strongly condemns would have to be put in force if the theory that he has announced to-day were to be acted upon. I venture to say there is scarcely an official in Ontario under the pay of the government of which the hon. gentleman was lately the head that does not take an active part in the elections for the Dominion, and many of them—all of them in fact—an equally strong part in the provincial elections. I was told —I was not in Belleville at the time—that one of the hon. gentleman's principal officials occupied the chair at a meeting when the hon. gentleman addressed the electors in the city from which I come. I have heard no complaint made by the hon. gentleman or his party against this official, paid out of the funds of Ontario—true partially by fees, the balance going into the revenue—has not been dismissed or found fault with because he stumped the west riding of the county of Hastings in favour of the opposition candidate, nor had the hon. gentleman any fault to find with him at the meeting where he presided and introduced him. We know the extent to which that is carried in the province from which I come. We know there is not a jailer, a bailiff, or a division court clerk in the country that is not—I was going to say pressed into the service whenever a Dominion election takes place. The principle that should prevail in cases of that kind is this—that if it is improper for officials of the Dominion to interfere in Dominion elections, it should be equally improper on the part of officials who hold their positions at the instance of the local government opposed to the Dominion government for the time being, to take an active part in a Dominion election. If I were to use as strong language as the member from Halifax, I might say that from the Premier down they are all directed and instructed what to do. I had a little experience in my own constituency in that respect, more particularly in what is termed the Free Grant Territory, where the colonization roads are built and the officials are appointed by and belong to the party who are in power in the local government. I dare say many others have had some experience of what I state and know the effect of it. The point I desire to make is this, that the local government use the power that they have and take particular pains to appoint such people as will vote according to their wishes, I might say instructions. In some cases I have known pledges to be given to make bridges and build roads if they opposed myself, though it never had any effect and I never made any complaint. The hon. gentleman has laid down a sound principle in reference to the interference of Dominion officials in Dominion elections and that principle is concurred in by both parties. Sir John Macdonald laid down that principle very clearly. Mr. Blake, when in the House of Commons, re-echoed his sentiments, and the question occurs to me, has that abuse been so great as has been represented by the hon. gentleman from Halifax? I should like to know upon what authority the broad statement is made that no labourer was permitted to work upon a certain section of the Intercolonial Railway and on the drill shed in Halifax, unless he first pledged himself to vote Conservative in case of an election, and whether any letters were ever written or instructions given by the late members with that object in view? I know Mr. Kenny personally very well; I know Mr. Stairs very well, and I know it is not consistent with their general character to take any such undue advantage of a contractor, or of those who reside in the city of Halifax or work on the Intercolonial Railway, and when charges of that broad character are made I do think that the hon. gentleman making them should give some little authority for them other than his mere statement. The case put by the junior member for Halifax is so pertinent that it answers the charge. A large number employed on that drill shed, we are told, came from the Island of Newfoundland, and yet, if the charge made by the senior member from Halifax be true, then they must have selected men who were coming to Canada to take up their abode and pledged them how

they were to vote in future in case they should remain in the province of Nova Scotia and be placed upon the list. I was a little surprised at the remarks made by the leader of the House in reference to the government of the late Alexander Mackenzie. I think you will find it upon record that when he assumed office in 1873 he cancelled a great many appointments that had been made by his predecessors. The government of Sir John Macdonald, after Prince Edward Island came into the confederation, filled the Customs Department, the Inland Revenue Department and other offices with officers who were absolutely necessary.. The moment Mr. Mackenzie's government assumed office, nearly every one of them was dismissed, and we know that others in the different provinces received notice of dismissal as well. We know also that a day or two before the resignation of Mr. Mackenzie's government after their defeat, they appointed men to office. One of them was in my own town, and while I was urged to have him dismissed because his appointment had taken place only a few days before the resignation, I positively refused to do so, and he is still in office, and a very good office. I fully concur in the remarks made by the leader of the House as to the absolute necessity of having reliable men in the civil service, particularly those branches in which some of the business must be, to a greater or less extent, of a confidential character. My own experience has not been such as has been indicated by the hon. leader of the House. When I took the office of Minister of Customs in 1878, over which department I presided thirteen years, there were some extreme Liberals who had been placed in that department by Mr. Huntington. I never removed one of them, or intimated a desire to remove any of them; and I say further for them, that more faithful, diligent and confidential officers I never had during the whole time I was in office than those very men that belonged to the Liberal party; and I took the first opportunity, knowing their worth, to promote them, and took them with me from the Customs Department to that of Trade and Commerce, on account of their ability and fidelity in the work that they had to perform. I willingly pay that tribute to some of those civil servants with whom I have had something to do. My hon. friend from Halifax rather objected to a discussion of what he termed the other day parish politics, and I shall not allude to the conduct of provincial officials, but I warn the hon. leader of the House that though his party has been in power in Ontario for a quarter of a century, the same fate may follow the government that he has been leading that attended the government formerly led by Sir John Macdonald, and which I led shortly before their defeat. I should be very sorry to see, except in extreme cases, the doctrine acted upon which he has carried out in Ontario, because if it were carried out it would involve the dismissal of every man who was appointed during that long period. I have this to say with reference to the administration of my own department and the principle acted upon by my chief, Sir John Macdonald, during the whole seventeen and a half years that I was connected with the government of Canada, that on no one occasion have I ever dismissed a man, or recommended his dismissal, on account of his political leanings. I positively refused to do so over and over again, even in cases where men had taken an active part against the candidates of the government. I frankly tell you one reason why—in the first place, I am opposed *in toto* to the introduction of any system which will tend towards that vicious practice which has existed for so many years across the line. Unfortunately, we are drifting into that position, but as I have pointed out to many of those who have made such suggestion to me, in case of a change of government, if the principle were applied of turning out political opponents, a government which had been in power for so many years would, as a fact and of necessity, have a larger number of their friends than of their opponents in office, and if the pruning knife, as they termed it, were applied to them by our government, when the others came in the officials would be much worse off, because there would be a larger number of them liable to dismissal. That is one of the principles on which I think every public man should act. Reference has been made to the Intercolonial Railway employés. It is very likely that of the permanent employés of that road a majority may be Conservative. I do not doubt that in the least, and if the hon. gentlemen remain in power as long as the Conservatives did, I doubt not that that will be reversed, because I have not the confidence in their

generosity to believe that they would appoint political opponents in the service of the Intercolonial Railway in case of vacancies occurring. But I do know this, and I have it from the gentleman himself, that though a Conservative, Mr. Brydges was sent down along the line of the road to instruct the employés how they should vote. It was for that reason that the present Sir Charles Tupper—then Dr. Tupper—took strong grounds against continuing Mr. Brydges in office, and when I called Mr. Brydges to account for it, he said "I only acted under instructions." We all know where those instructions came from, and if there is any ground for complaint of interference with the railway employés, I am very much inclined to think that it can be shown that it has existed to a greater extent on the part of those who termed themselves Liberals than those who termed themselves Conservatives. I had the most complete evidence, when I first assumed office in 1878, that a Minister of the Crown went to the different departments and instructed the clerks how to vote, and when it was pointed out to them the great doubt that existed as to the right of some of them to vote they being connected with the collection of the revenue, they were told by the minister himself to go and vote and he would take the responsibility. One official told me that he said to the minister who so instructed that he would go and vote, but he did not tell him how, and he voted for the other side. That is, perhaps, one of the advantages of the ballot when an undue influence is attempted to be exercised. But coming back to the motion before the Senate of the dismissal of the fishery officials and the reasons for which they were dismissed, the hon. leader of the House says that he has grave doubts and does not believe that the minister gave any such instructions or knew of any such letter. I hold in my hand a letter of the same character written by an official to Michael McCormick. He writes as follows:—"I have to inform you that I am instructed"—and I should like the leader of the House to pay attention to the wording of this—"by the Minister of Marine and Fisheries."

Hon. Sir OLIVER MOWAT—The hon. member from Marshfield mentioned that letter as well as the other.

Hon. Sir MACKENZIE BOWELL—What I wish to show is that it was not an accidental occurrence which led him to write to one person in a different style to the way he addressed another. The inference to be drawn is, if an important officer in the Department of Marine and Fisheries would write three or four letters to different officials in the same strain, stating positively that he did so under instructions from the Minister of Marine and Fisheries, and giving as the reason for dismissal the fact that there was a change in the administration, the inference can fairly be drawn that he was acting under instructions and not of his own mere motion. That is one reason why I read this in addition, to show how the same principle was acted upon in reference to the dismissal of these servants. If that be true, then the Minister of Marine and Fisheries instructed his agents to dismiss these men because there had been a change in administering the affairs of that department, and not on account of any misconduct on the part of the officials. I may be permitted to differ from the position taken by the senior member from Halifax on this question. He says it is *infra dig* for this House to take notice of so small and petty matters.

Hon. Mr. POWER—If the hon. gentleman quotes me, he must quote me correctly. I qualified that statement—I added when the question had been discussed in the other chamber, and persons were there who could represent the interests of the people who had been dismissed. I think the discussion we have had to-day shows how right I was.

Hon. Sir MACKENZIE BOWELL—I understood the hon. gentleman to speak contemptuously of the conduct of my hon. friend for bringing so small and insignificant a matter before this House. I claim that every subject has a right to have his case heard, and any complaint that he may have to make can be carried to the foot of the throne as well. There is more reason why it should be done in the case of a poor man than if he were a wealthy man. These few dollars received by this unfortunate man McCormack may be of much more importance to him than a thousand or two thousand to the hon. gentleman who deprecates the introduction of subjects of this kind before the Senate. I am very glad my hon. friend

has brought the matter before the House. I am in hopes, from the remarks which fell from the leader of the government, that steps will be taken to prevent the removal of officers, particularly officers of this kind, for such reasons as are given in these letters, and that the attention of the Minister of Marine and Fisheries may be called to the subject now under discussion, in order to prevent such occurrence in future : otherwise, I very much fear that the doctrine—not the doctrine but the practice, which has been followed, will be exceedingly detrimental to the interests of this Dominion in dealing with our civil servants. The motion to which my hon. friend from New Westminster has called attention is very broad in its character. It goes too far, or it does not go far enough. If the hon. gentleman had put a notice on the paper that in the opinion of the Senate no civil servant receiving funds out of the Dominion treasury should have a right to vote, then I could understand it.

Hon. Mr. McINNES (B.C.)—I said fixed salary.

Hon. Sir MACKENZIE BOWELL—I said "any civil servant," because there are many officers similar to those on the railway who have been dismissed, and it is coming down pretty low when any government would stoop to an action of that kind in connection with the railway officials.

Hon. Mr. McINNES (B.C.)—Are those employés on the Intercolonial Railway employed by the day, or by the week, or by the year? Have they a fixed salary from the Dominion?

Hon. Sir MACKENZIE BOWELL—There are certain officers who have fixed salaries, superintendents, clerks and others, but those who have been dismissed are labouring men who have been employed by the day or by the week.

Hon. Mr. McINNES (B.C.)—In my amendment I referred only to the officials that are permanent.

Hon. Sir MACKENZIE BOWELL—I have only to repeat that I deprecate any course of that kind. I ask the senior member from Halifax to produce any evidence that instructions were ever sent from any department of the government of which I formed a member to dismiss an employé from the service for such reasons as are mentioned in these letters or to employ only such men as would pledge themselves to vote for the government. I cannot conceive that any minister would stoop so low as to give instructions of that kind. Judging others by myself, I say it is utterly impossible. During the whole time that the Conservative government was in power, knowing the strong opinions my chief had on that question, I venture the assertion that there is not a scintilla of truth in the statement that has been made. I do not say that the hon. gentleman has intentionally misled the House. I should be sorry to suppose that he would make a statement which he did not believe to be true ; but unfortunately, election after election, we hear so many of these charges made that we are led to repeat them, without even taking the trouble to investigate their accuracy, and it is against such a practice that I protest in the strongest possible manner.

Hon. Mr. SCOTT—It is very unusual for the House to discuss a motion of this kind until the papers have been brought down.

Hon. Mr. MACDONALD (B.C.)—It is too late then.

Hon. Mr. SCOTT—Oh, no, it is not too late. The hon. gentleman asks us to adopt a proposition on a hypothetical case. We have not any evidence of it except my hon. friend's statement. I am quite sure the letters that have been addressed to McCormack and McBride were not seen by the Minister of Marine, and they were not written under any directions from him, that he never would have given as reasons the ones stated in those letters. I am quite satisfied that the Minister of Marine would never have dismissed the parties—if they have been dismissed—without cause, without his being satisfied that a case had been made out against them, either in the interest of the public service, or that they had interfered in the elections beyond voting, that they had acted as partisans, that they had come within the rule as being the one that ought to guide when the question of removing employés is considered. I have heard—of course, is is only rumour, but I know it is a

matter of fact within our own locality, that in many instances before the last election a number of men were employed in different works in the city of Ottawa. A very considerable force was employed here a few days before the elections. They were put on useless work. They were asked to build a drain along the canal, and the 23rd June arrived before the work was completed. They were asked then to fill it up again, and I believe they were employed a few days filling it up. In the case of Prince Edward Island it may be—I do not state it as a fact, because I know nothing of the circumstances—but it is not improbable, judging from what was known to occur elsewhere, that those men may have been put on a week or two before the elections to influence their vote.

Hon. Mr. FERGUSON—Oh, no.

Hon. Mr. SCOTT—The hon. gentleman says "No." He may be quite right. I do not desire to urge what I do not know, but it just proves how unfair it is to force on a discussion of this kind when my hon. friend has possession of certain information within his own knowledge, which none of us can dispute. With regard to the case of a number of temporary employés being dismissed, I have no doubt, if it is investigated, it will be found to come within the category I have mentioned, of men who were probably employed a month or so before the elections, and their services dispensed with afterwards. My hon. friend shakes his head, intimating that it is not the case. It may be he is quite right, but at the same time it shows we are proceeding entirely on a hypothetical proposition. We have not the facts. The facts are stated on one side of the case, and contradictory, as far as they can be, on the other side. But of this, I feel assured, that the Minister of Marine never authorized any such manifestly improper letter to be written—that because of the change of government the men were to be dismissed. That was no reason to be given, and could not be justified by anyone.

Hon. Sir MACKENZIE BOWELL—Do you add to your statement that you do not believe he instructed the letter to be written—that he did not instruct the men to be dismissed?

Hon. Mr. SCOTT—I could not say as to that, but I am quite sure he is a gentleman of too good judgment to give as a reason the one stated in the letter.

Hon. Mr. McKAY—In view of the statement made from time to time, that the employés of the Intercolonial Railway were driven and forced to vote for the Conservative candidates, and in view of the speech made by the Minister of Railways (the inference from which is that the Intercolonial Railway officials were all driven or forced to vote for the Conservative candidates), I desire to say this: that I live in a town which is a large railway centre, and I state here, without fear of contradiction, that there was not a man in the employment of the railway that was either forced or even asked to vote for the Conservative candidates. I do not know even to-day how the railway people voted, and I claim to have as much knowledge of what happened in that county as any other man in it. I say I am not aware how the railway men voted, except that I know a great many of them did not vote for the Conservative candidate. When the Minister of Railways was making that speech at Fredericton Junction, so far as the railway men in my county were concerned, he was simply speaking to the gallery. I am quite aware that there are some railway officials who, since the change of administration, have been looking for promotion. I understand some of them were cowardly enough to say that they were forced to vote for Conservatives, otherwise they would have voted for the Liberals. I say there is not a word of truth in the statement. My only object in rising was to say, so far as the officials in that county are concerned—and there is a large number—there is no truth in the statement that they were forced in any way to vote for the Conservative candidate.

Hon. Mr. McCLELAN—I do not know how it may be about the employés being driven to vote for the Conservative candidates; but to my knowledge a great many of them have not only voted but acted in other ways in those elections. I have been somewhat amused at the pathetic way in which the hon. member from Marshfield has appealed to the House and the government for the protection of officials, and I have been interested in listening to

the leader of the opposition in the way he has so favourably represented his own feeling and his own disposition in the management of his department. I only regret that that proper feeling which he manifested, that magnanimity which he displayed in the management of his own department, had not been more generally manifested throughout the whole cabinet of which he was a distinguished member, because I have known of cases of officials, who did not exert much influence one way or the other at elections, who have been displaced to make way for supporters of the government—men who enjoyed but small salaries, connected with the Department of Marine and Fisheries, and who have not given any cause whatever for being displaced. The matter was not ventilated in parliament; it was not brought up, but if the observation made by the hon. leader of the opposition had obtained in the past, and these individual cases had been properly discussed and examined here, I fancy this hon. Senate would not have had, during the last six or seven years, so very much leisure as it has enjoyed. Our time would have been very much more occupied than it has been; but they have not been brought forward. Knowing that these things did take place, of my own limited knowledge I am rather surprised that the hon. gentleman should be so very sensitive now as to the future action of the present government.

Hon. Sir MACKENZIE BOWELL—I am more than surprised that the hon. gentleman did not expose them.

Hon. Mr. BOULTON—Before the discussion closes I should like to express myself on the matter before the House. I think it would have been very much better had we confined ourselves to the discussion of the principles at stake rather than the inquiry into the individual circumstances of the case. As I understand the principle that has been advanced by the hon. leader of this House, it is that as to officials of the provincial governments in opposition to the principles of the Dominion government, while the right exists, if the government is overturned, to dismiss those servants, there is not the same inducement or influence to do so if the government continues in power. That is the position in which I assume he has placed this matter. He does not dissent from the principle that officials should not take part in elections. I think that is a sound principle to lay down; whether an official is an official of a provincial government or Dominion government, it is one and the same thing. They are servants of the Crown; they are employés of all the people whether Conservative or Liberal, and I think that an official of a provincial government should not interfere in the elections of a Dominion government, nor should an official of the Dominion government interfere in the elections of a provincial government as an active advocate. That is based on sound principles of justice and sound principles of the self government upon which our constitution rests. What is advocated by the hon. member for Westminster that these officials should be disfranchised and not permitted to vote, I do not think it would be a cure for the evil now complained of. The disfranchising of an official would not prevent him from using his influence. An official has one vote, but his active operations in certain directions, and using his influence might affect half a dozen votes. What would be more to the point would be to place officials, as a general rule, upon their honour that they are officials of the country, and not officials of the party, and also that there should be machinery in the hands of the opposition which would enable the opposition to bring forward cases that are flagrant of interference in elections on the part of officials, which would force the government that may be in power, friendly to that official, to take action upon the matter. The sooner we adopt the British system of placing the patronage in our civil service upon a higher plane, and remove it altogether from political influence, the better. The government of the United States is departing from the system that has proved itself a bane in their political system, while with us there seems to be in some quarters a disposition to take it up. Forewarned is forearmed against the evils it generates. The principle that has been brought before this House in the present discussion is a very sound one. It is the principle we should deal with rather than have a discussion on the merits of individual cases, of which we have not got full knowledge, or do not understand, and are not particularly interested in. I feel very sorry, indeed, to think that there should be any clashing between our provincial authorities and our Dominion

authorities upon this matter. If we want to establish a national system, pure and simple in its working, I think we have to recognize that the provincial and Dominion governments have to stand shoulder to shoulder in working out the same line of action in our constitution.

An hon. MEMBER—Free trade.

Hon. Mr. BOULTON—Yes, sir, free trade; but I will not impose any more of that upon you at the present moment. The question we have been discussing, I felt myself, is perfectly justifiable when confined in proper bounds, so far as this particular House is concerned.

Hon. Mr. BELLEROSE—I should think the hon. member from British Columbia ought to congratulate the hon. member from Prince Edward Island on having brought up this discussion. It has lasted nearly two hours, and what have we heard? We have complaints from both parties against the officials of this Dominion. Both parties have given evidence that the officials, at the time they were in power, did not do their duty. For myself, having been electioneering for about forty-five years, I must say that it is what I have myself witnessed every four or five years, in provincial elections and other elections. I should think that it is not in the interests of this country to have such discussions on our civil service. It lessens the importance of the service. It detracts from that respect which they ought to possess, and I should think that if there is one thing that shows how wise was the amendment of the hon. member from British Columbia, it is just this discussion to-day. Parties are moving to one side or the other of the House. When the opposition come in, then they complain, and they complain almost yearly. No doubt the amendment of the hon. gentleman from British Columbia did not please other gentlemen in this House, but surely there could have been an amendment to the amendment which would have been more pleasing to the House, and could have been made part of our present law. And now to day after the great election in June, we have a whole sitting of this House devoted to prove that something wrong was done. We have always spare time through the session, but as I said before, I believe it is not in the interests of the country that such discussions should be brought up in this House or the Commons. If the government come before parliament with a bill which will cure the evil, I hope it will receive attention, because it would be only right. I know some hon. gentlemen claim that the civil service should have liberty to vote. Let them have that liberty; they have a right to vote. One duty is to stay in their offices, another duty is to vote. Then it is objected that it is depriving them of that liberty. Did you ever dream of putting the judges in a position which would have been looked upon as an objectionable condition? This parliament has passed a law which provides that judges shall have no right to vote. Is the public service above our judges? Are the public servants to be looked at as a higher class of men than the judges? Then why deny to them the right to vote? But we should prevent them electioneering. I say, so far from taking their liberty, it would be giving them liberty. I know, myself, that ministers have forced their employés to vote in the way they wanted them.

Hon. Mr. DEVER—Name?

Hon. Mr. BELLEROSE—The employés should be at liberty to vote, but not to electioneer. I hope when a measure of this kind comes before us, that the House will pass it.

Hon. Mr. MACINNES (Burlington)—I desire to add a few words to what has been said with reference to this question. It strikes me the discussion we have had will not tend to enlighten any one as to what his duties ought to be under the circumstances, neither do I think it is likely to prevent a recurrence of the evils complained of. The senior member for Halifax thinks it is beneath the dignity of the House to discuss such things. I must differ from him. I am sorry to differ from my hon. friend, but I must remind him that the only real and earnest attempt to reform the civil service originated in this House, and therefore it appears to me to be perfectly proper that this discussion should have taken place. There is only one way to effect a cure in my opinion—and my opinions are very well known in this House. I am sorry to say I have very few followers in this particular, but my opinion is that you will

never get rid of the evils complained of, and they will repeat themselves from year to year, until you have knocked the brains out of political patronage in the appointments to the civil service. When you do that, you will hear no more of these attempts to get employés to vote for one party or the other. I thought I would make these few remarks with reference to the discussion which has taken place. I suppose I shall have an opportunity further on of talking on the subject more at large.

Hon. Mr. FERGUSON—I may say I made these motions with a view first of getting an expression from my hon. friend, the leader of the House, and his colleagues on the general question of the dismissal of officials for political reasons. I also desire to ascertain from him whether the reasons assigned in these letters which I read to the House were reasons which the government accepted as substantial reasons for the dismissal, and my third object was to ascertain whether, in the opinion of this House and of the hon. leader of this House, it is competent for a minister to dismiss, by his own order, officials who have been appointed by Order in Council. An expression of opinion has not been given on that point, but I think it is self-evident that an Order in Council must be had in such a case. My object in bringing the matter up was such as I have described, and I am satisfied it has been in the main attained.

The motion was agreed to.

KENT STREET ROADWAY, CHARLOTTETOWN.

INQUIRY.

Hon. Mr. MACDONALD (P. E. I.) rose to :

Ask the government whether it is their intention to ask parliament to give a grant in aid of the construction of a roadway from the western end of Kent street, Charlottetown, along the front of government house farm to Fort Edward, in Victoria park ?

He said: Fort Edward, to which the question I have given notice refers, is situated in Victoria Park, adjoining government house grounds, and like them it has a frontage on the harbour of Charlottetown. It is the property of the federal government and is used by the military department for the various purposes for which such forts are required. Government house grounds lie between the fort and the city. These grounds are in some sense at least, also government property, as the land was granted for the erection of a residence for Her Majesty's representative, the Governor General, when he might be in the province, and for the residence of the Lieutenant Governor at all other times. They are therefore in some sense government property. The land of the bank fronting on the harbour is constantly and rapdily washing away by the action of the sea, so that it is necessary to build a breastwork or embankment to save both these properties from destruction. I know that this encroachment of the sea is continually going on at a rapid rate, as during the five years I was at government house, nearly ten feet of the land along the whole sea from both the fort and farm grounds was lost, and at least an equal quantity has been taken since then. The land for more than one roadway outside the fence on government farm has been given up within a very recent period and the edge of the bank is now very close to the front of the battery or raised embankment of Fort Edward on which the guns rest. It is now proposed to build a breastwork and permanent roadway to Fort Edward and to Victoria Park, which is beyond it. The city has already expended a considerable sum on this work and the citizens feel that the federal government should contribute a portion of the outlay as the work will save the federal property and also give easy access to it. Application was made to the government for such aid, and a deputation composed of the mayor and members of the city council waited on the Minister of Public Works last winter, and I believed were informed that a sum of $4,000 would be appropriated for the purpose of aiding in the construction of a roadway and embankment along the sea front, as this would save the ground of the battery fort as well as the lawn and farm ground of government house from further destruction. The civic government have already constructed part of the work, and a portion of the government house grounds has been given for a roadway with the approval of the Lieutenant Governor and provincial government.

Hon. Sir OLIVER MOWAT—It is the intention to ask parliament to give a grant

in aid of the construction of the roadway mentioned in the question.

THE CASE OF J. L. PAYNE.

MOTION.

Hon. Sir MACKENZIE BOWELL moved :

That an humble Address be presented to His Excellency the Governor General praying that His Excellency will cause to be laid before the Senate, copies of :—

1. The Minute of Council of April last recommending the promotion of Mr. J. L. Payne, a clerk in the Privy Council office, to the position of assistant clerk of said Council.

2. All reports of the Treasury Board thereon.

3. The full text of questions submitted by the clerk of the Privy Council to candidates at the civil service promotion examination held in May last.

4. The Minute of Council of 8th of June last, setting aside the valuation given to Mr. Payne's answers on the "duties of office" paper.

And a statement showing (*a*) who prepared the questions; (*b*) who valued the answers; and (*c*) the number of marks awarded to Mr. Payne at said promotion examination on all subjects; together with all correspondence bearing upon Mr. Payne's examination.

He said : My principal reason for making the motion is that I observe in the state document laid before parliament a paragraph in the letter of His Excellency the Governor General, bearing date the 4th July in which he says :—

In Mr. Payne's case my special concern is indicated in the latter part of the memorandum of the Governor General's Secretary of the 10th June where the question is asked whether this appointment is in accordance with the statutes and regulations which govern such cases, *i.e.* whether it infringes upon an existing law, under which circumstances, it, with any other cases of a similar kind if there be any such, cannot properly receive sanction.

The memorandum of the 10th June reads as follows, in reference to Minute No. 2098, now before His Excellency :—

To the Honourable the Privy Council :

In reference to Minute No. 2098, now before His Excellency, and of which His Excellency in the meantime withholds his approval, the undersigned desires to be acquainted, for the information of His Excellency, with the reasons which induce the committee to propose that the provisions referred to, which were not intended to be waived prior to the examination in question, should now be waived after the candidates have undergone their examinations and the results thereof have been obtained.

The undersigned would further ask to be informed whether the course suggested is in accordance with the statute and regulations.

This is signed by John Sinclair, Governor General's Secretary. Then, in the memorandum I notice the Order of Council, 2098, refers to the waiving of marks in promotion examination of J. L. Payne and Léon Gérin. It is also mentioned in another Order in Council referring to the same subject. I have a desire to know what are the facts connected with this examination. I do so, more particularly because of my knowledge of the educational acquirements and the aptitude for official duty that Mr. Payne possesses. It was my good fortune to have that gentleman as my private secretary for some time, and I speak of what I know of his character, his education, his fidelity to his duties, and everything which constitutes a good civil servant, and what the questions were that could have been put to him that would justify the plucking, I think it may be called, in the examination, I am at a loss to know. Those are my principal reasons for asking for this return, to which I presume there will be no possible objection.

Hon. Sir OLIVER MOWAT—There is a slight addition to be made to this notice to obtain what is required. A fifth paragraph should be added :—

Also Mr. Payne's answers on the duties of office papers.

Hon. Sir MACKENZIE BOWELL—There is no objection to that. It makes it plainer.

The motion as amended was agreed to.

AN ADJOURNMENT.

MOTION.

Hon. Mr. LANDRY moved :

That when the Senate adjourns to-day, it do stand adjourned until Tuesday, the 15th instant, at half-past eight in the evening.

Hon. Sir OLIVER MOWAT—The time this motion suggests is too long. It might be an obstruction to public business for this House to adjourn for that length of time. I have been endeavouring to ascertain the mind of the members of the Senate with reference to the period of adjournment which they would like, and I quite perceive that they

desire as long an adjournment as may not interfere with the progress of business when it comes before this House; but the latest day to which I can at present advise an adjournment is next Thursday, I suppose we may as well say eight o'clock in the evening.

Hon. Mr. CLEMOW—An adjournment to either day would interfere with the committee on divorce. I expected the divorce committee could report to-morrow and the 14-day notice could be given.

Hon. Mr. LANDRY—If the divorce cases are to go on to completion, the adjournment could be until next week.

Hon. Mr. FERGUSON—I would suggest, with great deference to the hon. leader of the House, that the adjournment proposed until Thursday next is exceedingly inconvenient to Senators living at a distance. It does not give them an opportunity of returning to their homes and getting back at all. I understand the Commons will adjourn over Tuesday.

Hon. Mr. SCOTT—I do not think so.

Hon. Mr. FERGUSON—Scarcely any business can be brought up in the House until the Supply Bill comes from the Commons, and it is out of the question that that bill should reach us by Thursday. I would suggest whether it would not be better to accede to the motion of the hon. gentleman. I am quite sure, from past experience, we will be here in ample time to take up any legislation sent us from the other end of the building. It would be better for us to remain in session until to-morrow, to facilitate the business of the divorce committee and other matters.

Hon. Mr. LANDRY—With the permission of the House, I would substitute to-morrow for to-day in my motion.

Hon. Mr. ALMON—We have always left it to the discretion of the leader of the House to decide the length of our adjournment.

Hon. Sir OLIVER MOWAT—I do not like to take the responsibility of consenting to so late a date. The business of the session must be done and hon. gentlemen are quite willing, I am sure, to suffer personal inconvenience if their doing so gives a chance of business being done which might otherwise be delayed. I do not think it is expedient to seem to have nothing to do here, that we can adjourn safely for a whole fortnight, even when it is hoped the session is going to be a very short one. I am not prepared to say that the session will last longer than thirty days. It is the desire of the government to have a short session, and in order to accomplish that they are submitting no legislation. If I were to consent to the date named, it would be regarded by the whole country, and the other House as well, that we had abandoned all hope of a short session, which is not the case. Perhaps it is desirable that we should adjourn until Thursday evening at half past eight, and not eight.

Hon. Sir MACKENZIE BOWELL—It strikes me we might as well adjourn to-day. If there was any chance of their being able to proceed with the divorce cases this year, I would say, by all means meet to-morrow; but I am convinced, from the declarations of the premier in the other House, and the leader in this House, that no bill passed here will be carried through the Commons.

Hon. Mr. CLEMOW—The party, in this case, is very anxious, and takes all the risk and responsibility. If we meet to-morrow there is a possibility of getting the bill through.

The motion, as amended, was agreed so.

The Senate then adjourned.

THE SENATE.

Ottawa, Friday, 4th September, 1896.

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (D) "An Act for the relief of Albert Nordheimer"—(Mr. Clemow).

Bill (E) "An Act for the relief of Charles Edward Uton Pointon"—(Mr. McInnes, B.C.)

AN ADJOURNMENT.

MOTION.

Hon. Sir OLIVER MOWAT—With regard to the time to which we should adjourn, when the motion was under discussion yesterday we did not see our way to a longer postponement than to next Thursday. I have since had the matter considered in Council, and we think it would be safe to adjourn somewhat longer than that, if it is desirable to do so. We considered Tuesday, but it was not considered safe to go beyond Monday. Therefore, I would ask the hon. members to consent to this motion, that when the House adjourn to-day it do stand adjourned until Monday, 14th September, at half-past eight, p.m.

Hon. Mr. POWER—I do not rise for the purpose of opposing the motion, but hon. gentlemen will remember that yesterday we adopted a motion which is entered on our journals to the effect that when the House adjourns to-day it do stand adjourned until Thursday, and it is not altogether in order, without rescinding that resolution, to undertake now to move that we shall adjourn to a different day.

Hon. Mr. MILLER—The last resolution will supersede any other order.

Hon. Mr. POWER—It may supersede it, but you have on the journals two resolutions contradictory of each other. For instance, it might be that half of the members here yesterday are not here to-day. We might rescind the motion by consent.

Hon. Mr. MILLER—That would not give the members who are away to-day any notice of the change. I think the motion is not irregular. The former motion is superseded by the subsequent order as a matter of course. The minutes speak for themselves. If my hon. friend takes the objection that members who might oppose the motion to extend the adjournment until Monday are not here to oppose it, then his course is simple. He can object to the motion for want of notice.

Hon. Sir MACKENZIE BOWELL—It strikes me the matter can easily be arranged and still kept strictly within the rules of the House. I concur in the remarks of the hon. member from Halifax, but when the motion is called you can move an amendment to change the day. All motions are subject to amendment.

Hon. Sir OLIVER MOWAT—I think the motion should be as I have put it with regard to the postponement. We can simply add that the order of yesterday with regard to the adjournment, is rescinded.

Hon. Mr. MILLER—The last order supersedes the first. I do not think it is well to put anything unnecessary in the minutes of the House.

Hon. Mr. FERGUSON—I would point out to the leader of the House that meeting on Monday is extremely unsuitable for members from the eastern part of the provinces. I wish to put the circumstances as they affect members from my own part of the Dominion; if we go, we have to leave Prince Edward Island on Friday morning to get here on Monday night, whereas for a meeting on Tuesday evening we leave on Monday morning.

Hon. Mr. MILLER—Yes; but then Prince Edward Island is a very small portion of the Dominion, and members from the small provinces rarely take advantage of a short adjournment of a week. I do not oppose the adjournment, because I know it is a very great convenience, perhaps, to many members from the larger provinces who can conveniently go to their homes. For my own part I would be disposed personally to vote against it, because we might remain here and do the business that was presented to us, but I do not want to force my personal wishes against what I know to be the wishes of the large majority of the House.

Hon. Mr. McCALLUM—There is this about it, if the members come here on Monday they have to leave home Saturday morning and travel on Sunday.

Hon. Mr. POWER—I must say, with all deference to what I have heard on the subject, that I do not remember, during all the years I have been in the Senate, any case where the Senate has one day adopted a resolution and on the next day has adopted a resolution contradictory to that, without rescinding the first resolution.

Hon. Mr. MILLER—I do not know that a precedent could be found for the course adopted by the leader of the House. I fail to see any inconsistency whatever in making another motion which eventually does rescind the motion on the paper, and extends it a little further. I do not see that there should be any departure from parliamentary rule in it because the last motion of the House would of necessity supersede the other without any special motion to rescind it.

The motion was agreed to.

SUPREME COURT JUDGES BILL.

FIRST READING.

Hon. Sir OLIVER MOWAT introduced Bill (F)—"An Act to authorize the appointment of judges of the Supreme Court *ad hoc* in certain cases," and moved that the bill be read the first time. He said:—It is probably known to a number of hon. members that one Supreme Court judge has been absent on leave for some months on account of illness. I believe he has been greatly improved by his journey, and expects to be here in October, but another member of the Supreme Court, Justice Taschereau, has been obliged to ask for leave of absence from a similar cause. I have had a conference with the Chief Justice on the subject, and there seems to be no way of enabling the public business to be carried on unless we make provision for *ad hoc* judges. In the province of Quebec there is a law of that kind, and it is certainly very desirable that it should be everywhere, because the illness of a judge at any time may stay all business. I do not want to discuss the merits of the bill now, but the matter being very urgent, I would ask the House to allow the bill to be read the first time without actually being produced. It can be printed and distributed during the adjournment, so that it will be ready to be taken up for the second reading when the hon. gentlemen return.

The motion was agreed to and the bill was read the first time.

THE BAR OF THE SENATE.

NOTICE OF MOTION.

Hon. Mr. VIDAL gave the following notice:

That in the opinion of this House the bar attached to the Senate Restaurant should be forthwith closed, and that His Honour the Speaker give instructions to the person in charge to that effect.

Hon. Sir MACKENZIE BOWELL—If I am correctly informed, there is no bar in the Senate as we understand the term. If the hon. gentleman wishes to accomplish his object of preventing the sale of liquor in the precincts of the Senate, I would suggest to him to change that notice to read that the sale of liquor shall be absolutely prohibited. I was a member of the House of Commons when a motion was carried to abolish the bar, but it did not prevent the sale of liquor, and people from the city and different parts of the country could get all the liquor they wanted within the precincts of the House of Commons. I know that from my own knowledge and experience. If anything is to be accomplished in the way of preventing the sale of liquor, the only way that it can be done is to issue a peremptory order prohibiting the sale of liquor in the parliament buildings altogether.

Hon. Mr. POWER—I rise to a question of order; we are discussing the merits of the motion of which the hon. gentleman is merely giving notice.

Hon. Mr. VIDAL—I had no intention whatever to provoke a discussion on this notice now, but I thought it advisable to give notice in good time. No one would be more delighted than myself to amend the motion in any way that would make it more comprehensive. My object was to have the motion read as the motion in the House of Commons did. Whether we have a bar or not, I know that persons get intoxicating liquors downstairs.

THE STANDING COMMITTEES.

MOTION.

Hon. Sir OLIVER MOWAT moved the appointment of the Standing Committees of the Senate, as follows:

The Joint Committee on the Library of Parliament:—

His Honour the Speaker:—The Honourable Messieurs Almon, Baker, Bernier, Boucherville, de, Drummond, Gowan, C.M.G., Landry, Masson, MacInnes (Burlington), McClelan, Mowat (Sir Oliver) K.C.M.G., Poirier, Power, Ross, Scott, and Wark.—17.

The Joint Committee on the Printing of Parliament:—

The Honourable Messieurs Béchard, Bernier, Carling (Sir John), Casgrain, Cochrane, DeBlois,

Dever, Dobson, Ferguson (P.E.I.), Macdonald (P.E.I.), MacKeen, McKindsey, O'Donohoe, Ogilvie, Perley, Primrose, Reid, Sanford, Sullivan, Wark, and Wood.—21.

The Committee on Banking and Commerce :—

The Honourable Messieurs Aikins, Allan, Boucherville, de, Casgrain, Clemow, Drummond, Ferguson (P.E.I.), Forget, Lewin, MacInnes (Burlington), McCallum, McMillan, Miller, Montplaisir, O'Brien, Primrose, Reesor, Robitaille, Sanford, Smith (Sir Frank), Thibaudeau (La Vallière), Vidal, Villeneuve, Wark, and Wood.—25.

The Committee on Railways, Telegraphs and Harbours :—

The Honourable Messieurs Allan, Almon, Baker, Boucherville, de, Boulton, Bowell (Sir Mackenzie), K.C.M.G., Clemow, Cochrane, Dickey, Drummond, Kirchhoffer, Landry, Lougheed, Macdonald (Victoria), MacInnes (Burlington), Masson, McCallum, McClelan, McDonald (Cape Breton), McInnes (New Westminster), McKay, McKindsey, McLaren, Miller, Mowat (Sir Oliver), K.C.M.G., O'Donohoe, Owens, Poirier, Power, Sanford, Scott, Smith (Sir Frank), Snowball, Vidal, and Villeneuve.—35.

The Committee on Internal Economy and Contingent Accounts :—

The Honourable Messieurs Armand, Béchard, Bolduc, Bowell (Sir Mackenzie), K.C.M.G., Carling (Sir John), Clemow, Dickey, Dobson, Landry, Lougheed, Masson, McClelan, McInnes (New Westmister), McKay, McMillan, Mowat (Sir Oliver), K.C.M.G., O'Brien, Ogilvie, Perley, Poirier, Power, Prowse, Scott, Smith (Sir Frank), and Sullivan.—25.

The Committee on Miscellaneous Private Bills :—

The Honourable Messieurs Adams, Armand, Arsenault, Baird, Bellerose, De Blois, Dever, Ferguson (P.E.I.), Forget, Gowan, C.M.G., Hingston (Sir William), Macfarlane, McDonald (Cape Breton), McLaren, Merner, Miller, Montplaisir, O'Donohoe, Ogilvie, Owens, Prowse, Reid, Robitaille, Sullivan, and Temple.—25.

The Committee on Standing Orders :—

The Honourable Messieurs Aikins, Allan, Bellerose, Kirchhoffer, Macdonald (P.E.I.), Macdonald (Victoria), McDonald (Cape Breton), McKay, and Villeneuve.—9.

The Committee on Divorce :—

The Honourable Messieurs Baker, Bolton, Kirchhoffer, Longheed, McKindsey, Mowat (Sir Oliver), K.C.M.G., Primrose, Prowse, and Wood.—9.

The Committee on Debates and Reporting :—

The Honourable Messieurs Adams, Baird, Bellerose, Bernier, Boulton, Macdonald (P.E.I.), McCallum, Perley, and Vidal.—9.

The Committee on the Restaurant :—

His Honour the Speaker, and the Honourable Messieurs Almon, Bolduc, Lougheed, Macdonald (Victoria), MacKeen, and McMillan.—7.

The motion was agreed to.

The Senate then adjourned.

THE SENATE.

Ottawa, Monday, 14th September, 1896.

THE SPEAKER took the Chair at 8.30 p.m.

Prayers and routine proceedings.

MILITIA ESTIMATES BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (18) "An Act for granting to Her Majesty the sum of $446,500, required for defraying certain expenses in connection with the annual drill of the militia during the financial year ending the 30th June, 1897."

The bill passed through all its stages under a suspension of the rules.

RAILWAY ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. McCALLUM moved the second reading of Bill (A) "An Act to amend the Railway Act." He said: It is not necessary for me to make any extended remarks on this subject to-night. The bill has been a long time before parliament, and has passed the Senate on three occasions. This is the fourth time that I have had the honour of introducing the bill in this House, and mostly all the senators who are present to-night have heard the debates which took place upon it.

Hon. Mr. MACDONALD (B.C.)—Is this the same bill that we had before us last year?

Hon. Mr. McCALLUM—Yes, it is always the same bill. Therefore, it is not necessary for me to take the time of the Senate in discussing its merits. It is an important bill. What I have complained of always is the trouble that farmers are put to in coming before the Railway Committee of the Privy Council to get justice. The railway culverts throughout the country are open culverts, and they become choked with sediment very often, the result of the work done by the railway companies in gravelling their tracks. While they are in this choked condition, if a freshet occurs, the farmers find their lands drowned and their crops are

ruined while they are on their way to Ottawa to get redress. I do not blame the railway companies ; it is the fault of the law. I am not an enemy of the railway companies, and I am sure that if this bill were to become law, it would benefit them as much as the farmers. The railway companies can have no object in damming the water back on the farmers' land, because the effect of it is to diminish the crops and thereby decrease the amount of produce to be carried to market. Last year, in moving the second reading of this bill, I spoke at length and cited one case of hardship which had occurred for want of such legislation. I did so to satisfy the honourable member for Ottawa, now the Secretary of State, that such legislation was necessary. I thought he should be satisfied and let the bill go to the House of Commons. The Senate has always treated me very kindly in connection with this bill, passing it with large majorities, sometimes two to one. I hope to-night that the Senate will not change its former decision, but will pass the bill and let the responsibility rest with the House of Commons, and not with the Senate, if it does not become law.

Hon. Mr. SCOTT—The subject of this bill is one with which this House is very familiar. It has been up very session for at least four or five years, and at an interval before that. This bill is greatly modified from the measure introduced five or six years ago, but it still contains very many objectionable clauses, inasmuch as it will destroy the harmony that now prevails, and the consistency of railway legislation. The sixth clause of the bill makes the railway subject to all municipal regulations respecting the maintenance of ditches and watercourses in the country. The ground taken in opposition to this bill has always been that there really was not that urgent necessity for it that my hon. friend claims. I have no doubt he has a particular case in view, in which there was substantial grievance, and it is exceedingly unfortunate it was not removed ; but I think I am right in saying that the general treatment of the municipalities in reference to drainage by the great railways of the country, the Grand Trunk, and the Canadian Pacific Railway and the minor railways also, has been to meet the municipalities as far as practicable. The power at present of dealing with this subject is vested by the general law of the land, the Railway Act, in the Railway Committee of the Privy Council. Until it is shown that there is a hardship in bringing these matters before the Railway Committee of the Privy Council, it does seem highly improper to introduce special legislation which would not be uniform in different provinces. But I am quite aware that the feeling of the House is in favour of the bill, and therefore I do not propose to discuss the objections which I have in former years urged against it, which objections continue. It will no doubt be discussed before the Railway Committee and it will remain with the other House to deal with the question.

Hon. Sir OLIVER MOWAT—It seems the subject of the bill is one with which the House is familiar, and on which the House has repeatedly expressed its opinion. In the position I formerly occupied the subject of railway drains was often brought before us. My hon. colleague says there was a particular case in the mind of my hon. friend the mover; but the cases are more numerous than my hon. friend has heard of. As the bill has been before this House repeatedly and hon. gentlemen are familiar with it, I should be glad to have an opportunity of considering it a little further before the second reading passes. I had some hopes that the hon. member who moved the second reading, and who is promoting the bill, would let it stand until to-morrow, and I had hoped also that he would state more in detail the reasons and the object of the bill. The sixth clause to which my hon friend the Secretary of State referred is clearly objectionable, but I think there is more to be said in support of the other clauses of the Bill, and before consenting to the second reading I should like a further opportunity of considering it ; therefore I ask my hon. friend to let it stand until to-morrow.

Hon. Mr. McCALLUM—I cannot very well object to that, but delays are dangerous. I am sure the hon. leader of the Senate can take his objection in committee of the whole and re-cast the bill altogether, if he chooses to take the responsibility, at the third reading. I should prefer that the bill should get the second reading to-night. I would be glad to accept any amendments, because anything is better than what we have got now. And I feel

satisfied the hon. leader of the Senate, unless he has changed his mind, is favourable to some legislation in this direction. I hold a letter in my hand which I had from him on a former occasion, in which he said "Of course we should have some legislation on this question without unnecessary delay." It is a very nice letter and I was proud to get it from the hon. gentleman. He said I took a great deal of pains in this direction, and he agreed with me entirely. I have no objection to take any amendment he chooses to give us when we are in committee of the whole, or at any time he chooses to give it, because he shall be responsible for it and not I. I had to take what I could get from the Hon. Sir John Abbott, and he was as much responsible for the bill as I was. The bill is not all I wanted; it is not all the people of the country should have; but they want something more than they have now, and I appeal to the leader of the House to allow the bill to be read the second time, and then he can make any amendments he chooses to-morrow, or on the third reading, or when we are in committee of the whole.

Hon. Mr. OGILVIE—The impression any one would gather from what has been said about this bill by the mover of the resolution is that it had passed almost unanimously in this House. Well it passed, but it did not pass anything like unanimously. I had the pleasure of voting against it every time it came up. I explained as well as I could, in my humble way, that I thought it was a most objectionable bill. I also said, and I repeat here without fear of contradiction, that it is considered bad to pass class legislation, and that is what this bill is. I think it is also very inconsistent. Both the provincial and federal governments grant bonuses to railway companies to aid them, but if we pass such legislation as this, we will be inflicting an injury upon the companies that all the bonuses we could give them would not make up for. It will be a very serious matter for all the railways if this legislation is passed. We have had pretty fair evidence of it when, as the mover of it says, it has passed several times here and as always been thrown out in the other House. We might take a lesson from that, and I think it was more in sympathy for the promoter of the bill than anything else that it ever passed here. I hope some change will take place and that it will not pass now, for it is a very serious thing, and a very bad thing, to pass legislation of that kind.

Hon. Sir OLIVER MOWAT.—I hope my hon. friend will not object to one day's delay. It is a very important bill and requires a great deal of consideration. I did not expect it to come on to-day, I must confess. My hon. friend talks about my making amendments; perhaps I may not make any amendments after I consider it. He may find me one of his supporters after that; but, at all events, I should like to have an opportunity to satisfy myself about it. I hope the House will give me one day to consider the bill.

Hon. Mr. McCALLUM.—I hope to get the hon. gentleman's assistance. I look for it certainly. I must accede to his request for a day's delay, and I hope, as a result of the postponement, that I will get his assistance to make the measure even better than this bill is. While I am willing to accede to the hon. gentleman's request, I must say that the bill cannot be a new one to him. Some time ago I sent him a copy of this bill. He did not know then, perhaps, that he was coming here and would have to deal with this legislation himself. I shall be glad to give him a chance. I therefore move that the order of the day be discharged and that it be made the first order for to-morrow.

The motion was agreed to.

LOAN AND SAVINGS COMPANIES IN ONTARIO BILL.

SECOND READING.

Hon. Mr. AIKINS moved the second reading of Bill (B) "An Act further to amend the Law respecting Building Societies and Loan and Savings Companies carrying on business in the province of Ontario." He said:—This bill is a copy of one that passed this House last session. I have no doubt it would have passed the other House could it have been reached. It was on the order paper, but owing to the peculiarities of the session, it never was reached. All the loan companies—I am not aware that there is one dissentient—are in favour of this bill in all its provisions. The first clause refers to companies that desire to limit themselves with regard to making loans

on stocks. This they may do by passing a by-law. It is optional with them, whether they pass a by-law or not, but if they do pass a by-law, it is irrevocable and cannot be changed. The second clause refers to the voting power. Some companies make a distinction between stock that is paid up and stock that is partially paid up. In all the large companies, I think without exception, they make no difference whatever. This bill makes provision that whether stock is paid up or not, the voting power shall be the same. Then there is another provision that no shareholder who is in arrears with respect to any call on his shares shall have a vote. There is a similar provision that no shareholder who is in arrears with respect to any call on his stock shall be eligible to be elected as a director. These are safe provisions.

Hon. Sir MACKENZIE BOWELL—Do I understand the mover to state that the voting power would be in proportion to the amount of stock subscribed or the amount paid up; or, in other words, if a man had $10,000 subscribed and had paid one-fourth of it, would he have a vote on the $10,000 or only on one-fourth of it?

Hon. Mr. AIKINS—He would have the vote on his $10,000, because there is a liability. He has as much right to vote on that as if it had been paid up.

The motion was agreed to, and the bill was read the second time.

PAYMENT OF POLICIES OF INSURANCE BY FOREIGN COMPANIES BILL.

SECOND READING.

Hon. Mr. LOUGHEED moved the second reading of Bill (C) "An Act respecting the payment of Policies of Insurance by Foreign Companies." He said:—This bill proposes to amend the Insurance Act. I understand from the United States press, particularly one wing of it, that there is a certainty of the free silver party triumphing at the approaching presidential election, while from another wing of the United States press, one is led to believe that there is only a remote possibility of that happening. The object of this bill is to protect Canadian policy-holders in United States insurance companies. The law as it stands at the present time would permit a United States company doing business in Canada to pay the policy of insurance upon its becoming due at the head office of that company in a foreign state if it is not otherwise stipulated. The peculiar anomaly prevails of the Canadian policy holder being compelled to pay in gold his premium to the company which, in the event of the United States passing the silver bill could pay that policy in a depreciated currency, or in other words, while the policy-holder is called upon to pay 100 cents on the dollar in gold to that company, in the event of the free silver party adopting the policy which is proposed that company practically have the right to pay the policy at 52 cents on the dollar. That hon. gentlemen may fully appreciate the magnitude of the volume of business done by United States insurance companies within the Dominion of Canada, I will take the liberty of referring them to a few figures which I to-day obtained from the report of the Superintendent of Insurance for 1895, and one in considering the magnitude of those figures can then more easily appreciate the necessity of compelling United States insurance companies to pay Canadian policy-holders the contract amount of the insurance policy in as good money as Canadian companies are compelled to pay, namely, in gold. I find that in 1895, there was in force in the Dominion of Canada, in life policies alone of United States insurance companies, $96,590,352. This business has been done by ten United States companies. There are only eleven Canadian companies doing business in Canada and eight British companies, so that hon. gentlemen will thus observe that United States companies outnumber the British and approach within one the Canadian companies in number. Although a life business of nearly $100,000,000 has been done the total assets of those United States companies in the Dominion only amount to $17,366,-708.05.

Hon. Mr. MACDONALD (B.C.) Is that the deposit?

Hon. Mr. LOUGHEED—No, the deposit is very much less than that amount. That represents the entire assets of those ten United States companies within the Dominion, but I am not going to discuss that.

phase of the question to-night, because I presume the government have made proper inquiry into the fact whether these assets are sufficient to ensure the payment of the liabilities of United States companies within the Dominion in the event of those companies going into liquidation or withdrawing from Canada. The statement which I have made applies equally to United States fire insurance companies. I find that in 1895 United States companies took in risks within the Dominion the sum of $100,305,776, and as against that enormous volume of business I find that the total assets of the United States fire insurance companies in Canada amount to $1,392,964.09. The amount of inland marine business carried by United States companies in the same year was $1,281,590. Hon. gentlemen will thus observe that in round figures this volume of business will represent $200,000,000, and the entire government deposit from the life insurance companies as well as from the fire insurance companies amounts to only eleven and a half million dollars. That includes the deposit and the assets placed in trust as provided for in the Insurance Act.

Hon. Mr. BOULTON—What is the balance—the amount between the eleven and a half and the seventeen millions of dollars—made up of?

Hon. Mr. LOUGHEED—It is made up of different classes of security which my hon. friend will find enumerated in the Insurance blue-book. They are too numerous for me to mention—they consist of real estate, mortgages, bonds and other securities of a like nature.

Hon. Mr. MACDONALD (B.C.)—Those are the assets?

Hon. Mr. LOUGHEED—Yes, a value is placed by the government upon those assets, the face value of the sureties will be found in the insurance report as well as the value placed by the government on them.

Hon. Mr. BERNIER—You include the deposits in the assets?

Hon. Mr. LOUGHEED—Yes, the total assets amount to $17,366,708.05.

Hon. Mr. ADAMS—Suppose the company endorsed on the policy, "payable in gold"?

Hon. Mr. LOUGHEED—In anticipation of the difficulty which must necessarily arise from the agitation now going on in the United States, many United States companies have voluntarily proposed to amend their policies, some of them extending to policies which have already been negotiated, and others policies which may hereafter be negotiated, to provide that they shall be payable in gold in the event of payment; but hon. gentlemen will very easily perceive the necessity of the sanction of law being given to this provision which it is proposed to add to the Insurance Act. While some companies may voluntarily do this thing, other companies absolutely refuse to do it. In view of this refusal hon. gentlemen will recognize that this is a serious matter indeed to those holding policies which may be payable in the near future.

Hon. Mr. BOULTON—Do you know what the terms are as to the payment of the policies?

Hon. Mr. LOUGHEED—Well, as I say, unless otherwise stipulated on the face of the policy, that policy is payable at the head office of the company in the United States, and, being payable at the head office, it is necessarily payable in the legal tender of that country or of that particular state; therefore the Canadian policy-holder, carrying an insurance policy for $100,000, upon its maturity may present his contract for insurance at the head office of the company in the United States; and while very truly he receives $100,000 in silver, yet we know that the value of that silver would only be its value in silver bullion, viz., $52,000 in the Dominion of Canada. Hon. gentlemen will thus more easily appreciate the necessity of making it obligatory upon United States companies to pay in gold the amount of those insurance contracts within the Dominion of Canada.

Hon. Mr. McMILLAN—How are you going to enforce that?

Hon. Mr. LOUGHEED—This bill provides that notwithstanding what may appear on the face of the policy, those policies shall be deemed to be payable in Canada, and thus must necessarily be paid in the legal tender of the country, and our legal tender is gold.

Hon. Mr. ALLAN—Suppose the company does not pay at all?

Hon. Mr. LOUGHEED—Then the bill provides that upon proper evidence of the fact being submitted to the Minister of Finance, he shall pay the policy out of the deposit of the company now held by the government, and shall withdraw the license held by that company. If hon. gentlemen will refer to the bill they will find it has been worked out as much in detail as is possible under the circumstances, for a draft bill. The principle has already been recognized by the government of protecting policy-holders in American companies. The only objection that can be raised is that this principle does not go sufficiently far in view of the contingency which may possibly happen of a depreciated currency being established in the United States, thus seriously affecting policy-holders in the way in which I have indicated. I hope, therefore, that the government may take this bill under its wing and may facilitate its passage.

Hon. Sir OLIVER MOWAT—We are certainly face to face with a very serious grievance on the part of our fellow Canadians who are policy-holders in United States companies, and it is desirable to do what we can to provide a remedy for them. The remedy which this bill provides is, of course, a very partial one, but it may not be more partial than is unavoidable. My hon. friend has pointed out the very large amount of Canadian policies in United States companies and has compared the amount with the amount of assets which these companies have deposited, by way of security to Canadian policy-holders, and it is a mere fraction compared with the aggregate amount of the policies, and therefore the security is a mere fractional security, but, if we cannot do better, it is reasonable to do what we can. The details of the bill will require a good deal of consideration. In several respects I do not quite like them, and I think there are things not provided for which have only to be mentioned for the honourable mover to see that something should be done to provide for them. For example, this bill refers to future policies as well as past policies. Now, even in regard to past policies, the premiums may be paid in the depreciated currency. No doubt any Canadian policy-holder who makes up his mind that he will go on paying his premiums in case the currency of the United States becomes depreciated, would pay the premiums in depreciated currency if he could, and if the premiums are paid in the depreciated currency there is no reason why we should insist that the policy should be paid in gold.

Hon. Mr. LOUGHEED—As premiums are payable in Canada, they necessarily are payable under our statute relating to currency, and thus become payable in gold, and except the American companies shall stipulate within their policies that they shall be paid in silver the Canadian policy-holder is bound by our Currency Act to pay them in gold, because all our contracts are payable in gold.

Hon. Sir OLIVER MOWAT—I am not aware that these policies do provide that the premiums should be paid in Canada. Why do they insist that the premiums should be paid in gold?

Hon. Mr. LOUGHEED—They do, nevertheless.

Hon. Sir OLIVER MOWAT—I have not seen that provision in any of the policies. If there is that provision, then the observation of my hon. friend is appropriate, but if the policies do not expressly provide that the premiums should be paid in Canada, then no doubt the policy-holders would pay them in depreciated currency. I do not say that is a reason why we should not do anything, but it is a state of things for which provision should be made. We should be fair about the matter, or else the bill would be indefensible. Another reason why we should be very cautious in regard to details is that this is an *ex post facto* measure. This House, I am sure, will be very unwilling to pass an *ex post facto* bill; yet it may be necessary to do so, and often is necessary in the public interest. It is a misfortune to have to pass an *ex post facto* bill, and when such a bill is introduced it should receive the greatest possible attention in regard to its details. That is all that I suggest here. Another thing is to be observed; it would be quite impossible to defend the passing of a bill of this kind without having given to the companies affected by

it an opportunity of showing their side of the case. If they have any objections to make, they should have an opportunity of making them; they should receive a copy of this bill, and we should have a special committee for the purpose of hearing the objections. I do not think my hon. friend will differ from me in regard to that. To pass an *ex post facto* measure without giving an opportunity to those interested to be heard, is something opposed to all our notions of fair play, and opposed, I presume, to the notions of my hon. friend. I think the passing of this bill is impossible this session. We may pass it here, but it can not become law. It can not pass the other House this session which is to be but a short one, but the introducing of the bill is a good thing perhaps. It is a warning to these companies that the matter will be taken cognizance of here. For that reason it is of great importance that immediate steps be taken to ascertain what United Sates companies are to be affected by the bill and what companies have taken out licenses, and one or more copies of the bill should be sent to each of them. In this way before next session these companies will know that legislation is extremely probable. It seems quite certain that a bill of this kind will receive large support in both Houses, and will probably pass if it is drawn in such a way as to give satisfaction. Another thing we are to bear in mind is, that we are now apprehending a danger which may never occur. It is not perfectly certain that this policy, which is alarming to almost all intelligent people in every country except the United States—and a very large number of people there also—will be adopted by the people of the United States. We shall be better able to judge on that point when next session comes. With regard to the details of this bill, another thing that I observe is, that it expressly applies only to companies that are not British or Canadian companies. That is on the face of the bill. I do not see the object in putting those words there. The exception has not a pleasant look. It looks like an attack upon United States companies, and an exemption of others. We do not expect depreciated currency in Great Britain; we know there will not be any; and therefore there will be no harm in striking those words out. I do not desire to go into the details of the bill further. I think that the principle of the bill is maintainable, and something should be done; and we should take care that all persons affected should have an opportunity of stating the objections which they may have, either stating them to the House or discussing them before the committee.

Hon. Sir MACKENZIE BOWELL—Do I understand the Minister of Justice to say that in case an agreement, or bargain, is entered into with an insurance company in Canada through a Canadian agent for the payment of a certain amount annually in consideration of the amount for which his life is insured, that he could tender to that agent depreciated currency, worth only fifty cents on the dollar, though the company with which he makes the bargain is situated in a foreign land? It strikes me that if a bargain is made here you are obliged to pay the amount of legal tender of the country in which the bargain is made. Consequently, if I am right, no policy-holder could approach a Canadian agent with whom he has entered into such an arrangement and tender him depreciated currency to the extent of fifty per cent, or any amount.

Hon. Sir OLIVER MOWAT—There is no doubt he could not here in Canada tender the depreciated currency. I think there can be no doubt of that; but unless the premiums are expressly made payable here, he may pay them in the foreign country. The fact of the policy being made here does not make any difference in that respect, and my hon. friend, the Secretary of State, tells me these policies are all issued in the States.

Hon. Sir MACKENZIE BOWELL—We can easily reach that point by making them payable here.

Hon. Sir OLIVER MOWAT—If they were payable here, there would be no question about their being payable in gold.

Hon. Mr. ADAMS—Without desiring to enter into any discussion of the bill, I wish to draw the attention of the mover to a notice I received this morning, "The Union Mutual will endorse all its policies payable in gold." The New York Life has issued the same notice. The character of this legislation may be good enough, yet any person holding a policy in Canada insured in a United States company, as

soon as he hears of this question which has not yet been decided by that great nation, can simply write to the company to endorse his policy payable in gold. I forwarded my policy to the Union Mutual to have it made payable in gold. The character of the legislation may be very good, as stated by the hon. leader of the government, and I think the suggestion he made that the bill should be forwarded to all insurance companies was a wise suggestion for the Senate; yet, after all, I do not know that there is very much necessity for the legislation, inasmuch as the policy-holders can protect themselves by a simple letter to their companies, if they are insured in the United States, and the policy will be endorsed payable in gold. I simply suggest that to the mover of the bill on account of my having in my hand this notice received from the company this morning.

Hon. Mr. MACDONALD (P.E.I.)—I am sorry that I cannot agree with the conclusion to which my hon. friend from Northumberland has come respecting the payment of policies in gold. I hold in my hands now a letter received within the last few hours from a gentleman having policies in more than one United States office, who has made application to them to have that very condition endorsed on the policies and they have failed to do so. In one instance, the company in which a policy is held has not replied to the application made by the party insured, and another says that all the premiums received in Canada are deposited in Canada, and, therefore, that is guarantee enough to the policy-holders. I am very much pleased that this bill is being introduced by the hon. gentleman from Calgary. Even if it does not become law, it will do a great deal of good in this country. Canadians believe that they have just as good security when they take out a policy in a foreign company as when they take one in a Canadian company. That shows that they are not thoroughly posted in all the contingencies which may arise with respect to foreign companies and making it very problematical, under certain conditions, that they will receive the amount for which they are insured. We know in the event of war, a thing that, of course, is very unlikely to take place between the British and United States people, that it will be very difficult, if not utterly impossible, for them to recover any more than the amount of the guarantee that is deposited in Canada as security to the policy-holders, and it would be very much better for the Canadian and British people to take Canadian or British policies either on their lives or on their property. We see from the statement made by the hon. gentleman who introduced the bill what a very large amount of insurance in foreign companies is effected by Canadians, and what a very small amount there is as a guarantee for the payment of those policies if the companies should be called upon to pay them. Under those circumstances, and in view of the possibility—I would not say probability—of there being a depreciation in silver in the neighbouring country, it is very desirable indeed that we should, as far as possible, legislate to protect our people, because a great many people are dependent largely, as a provision for their old age, on insurance effected in these foreign companies. It would be a sad loss to the people of the Dominion generally if they were not protected against any contingency for which the parliament of Canada could provide. Therefore, I think it is well that this bill has been introduced. It may induce people, who are in the habit of taking policies from the first agent that applies to them, whether he represents foreign or Dominion companies, to reflect before taking out a policy. They are inclined to take a policy from the first agent who makes an application to them, whether he represents a foreign company or a Canadian company, and this discussion may have a tendency to show people how much safer they are in having a policy in a home company, where there is a sufficient guarantee for the payment of policies and where the whole of the assets of the company and the amount that is deposited as a guarantee with the government are under the control of the government, and can be drawn upon under the regulations for the payment of these policies when they become payable, if anything should occur to the company.

Hon. Mr. McKAY—Would the hon. gentleman give the names of companies that have refused to endorse "payable in gold" on their policies?

Hon. Mr. MACDONALD (P.E.I.)—My correspondent has not given the names. He

has referred to three cases, and says they are all foreign companies.

Hon. Mr. McKAY—That is unfortunate.

Hon. Mr. MACDONALD (P.E.I.)—In one instance the policy is held in the Equitable of New York. He says: "I wrote to the president some time ago asking for a guarantee that my policy when matured would be paid in gold, and the only answer I got was to the effect that the company intended to keep all the premiums payable in Canada in that country as funds out of which to pay Canadian policies maturing." The other companies he does not give the names of. However, it is quite evident that if we can make our people more secure, it is desirable for us to do so. Entertaining the opinions I do, I am disposed to give my support to the bill which has been introduced by the hon. gentleman from Calgary, or to any better measure that can be proposed for that purpose.

Hon. Mr. POWER—I think the hon. gentleman from Calgary ought to be perfectly satisfied with the reception his bill has met with. The fact that the hon. leader of the government has endorsed the principle of the bill, and intimates that, if no legislation takes place during the present session—and unless the session is much longer than most of us expect it will be, the legislation cannot take place this session—next year, when the November elections will have developed the condition of things in the United States a little further, if it should turn out that the free silver party are successful, legislation will be introduced here. The hon. gentleman ought to be satisfied with that. I cannot agree with the hon. gentleman from Northumberland that if he received a notice from a company stating that it was their intention to pay their Canadian losses in gold, the company would be bound by that undertaking.

Hon. Mr. ADAMS—I say it is endorsed on the policy?

Hon. Mr. POWER—I do not read the United States papers very carefully, but I remember that about the time of the Chicago convention, I think it was the gentleman who was selected as the candidate for the presidency, declared that the silver legislation which would take place would be of the most stringent character, and would hinder any person from stipulating that any debt whatever was to be paid in gold. Looking at the probable length of the present session, and the statement made by the hon. leader of the House, the hon. gentleman from Calgary ought to be satisfied and not try to press this measure any further at present. Just now it might be looked upon as *ex post facto* legislation without sufficient reason. If the hon. gentleman from Calgary waits until next session, and in the meantime the free silver candidate is elected in the United States, the hon. gentleman will be able to claim that he is only seeking reciprocity in *ex post facto* legislation, because the action likely to be taken by the free silver party would be *ex post facto* also.

Hon. Mr. GOWAN—While I am in full sympathy with my hon. friend opposite who brought in this bill, I think it is proper that we should remember that we are dealing with an important and delicate matter. If we were to pass this bill we would be dealing with it on a contingency which may never occur. It is an instance in which we should move very slowly and carefully. I am prepared to accept what has been said by the hon. leader of this House. The principle of the bill is certainly sound in its main features. We all like to see, and desire to have, the whole insurance of the country done by our own companies. But under the peculiar circumstances, as we are now asked to deal with a contingency which may never occur and in the absence of any immediate necessity for such legislation, I think it would be well to postpone the bill.

Hon. Mr. OGILVIE—I am sorry to say I cannot agree with the hon. member from Barrie when he is speaking of how careful we should be to pass a bill of this kind, because this contingency may never occur. It is true the present contingency may never occur, but we have had experience enough in the last twelve months to know that any contingency may occur with the same country. We should be very tender about the people who have been paying their premiums in gold perhaps for 10, 20, 30 or 40 years. If they should have to take 52 cents on the dollar instead of 100 cents it would be a most serious thing

for them, and nothing tender would be taken care of there. I do not think any question has been brought up that should be placed in shape some way so quickly as this. I am very glad to see that the leader of the government quite appreciates that something should be done in the matter. We should all feel obliged to the hon. member from Calgary for having brought the matter up here. We know one thing perfectly, a very large amount of money is being taken out of the country. My hon. friend from Northumberland says there is no doubt the United States companies would pay their policies in gold when the premiums are paid in gold. Any company of good standing would do so. At the same time, I know that several companies of very good standing indeed that I do not choose to name here, have positively refused to place that condition in the policy and others have said it is quite time enough when the policy is due to object to the way we pay you. As the hon. gentleman from Halifax said a moment ago, a notice from the company or any of their officials stating that they would pay in gold would not be worth very much to the family of a poor man when they want to ask for payment. There is no way you could make the companies pay in gold, that I can see, except by shutting up their business here. Shutting up their business in this country would be poor comfort to the family of a man who had been paying premiums for twenty or thirty years. It is likely the Mutual of New York would pay in gold as long as it could pay, but if its assets were put down at fifty-two cents on the dollar instead of one hundred cents on the dollar, even with their enormous wealth (and they are known to be the wealthiest insurance company in the world) it would be difficult for them to continue payments. Several others would probably do the same, but they have refused, to my certain knowledge, to endorse on people's policies payable in gold, or at least have evaded the question. I am glad the leader of the government thinks that legislation is necessary. I am a pretty old insurance man myself, in a way, and I think if ever legislation was necessary it is now, and whether it is a delicate matter or not it should be such legislation as would protect if possible—I do not say whether it is possible or not, because I do not know that you can protect those who have been paying for a long time, but if it is possible to protect our Canadian policy-holders, it should be done. Even the smartest business men are liable to be humbugged about insurance policies and when we take men who are not in the habit of doing business, they are very much more likely to be humbugged. It is well known that no one can talk much better than a life insurance agent. I feel personally obliged to the hon. gentleman from Calgary for bringing the matter up and I hope by next session we will have legislation which will be of some use to Canadian policy-holders.

Hon. Mr. MACINNES (Burlington)—I think the object of the hon. gentleman from Calgary is most laudable. It is to protect those who are holding policies in United States companies. His object is to see that they are paid in the same manner as if they were insured in British or Canadian companies, and it appears to me the proper thing for us to do to-night is to let the bill be read the second time and approve the principle of the bill, and hereafter amend it or extend it in any way that may be considered best.

Hon. Mr. LOUGHEED—I appreciate very much the very kindly reception given to this bill by the hon. leader of the House, and I recognize fully the importance, already expressed by him, to the public at large that a proper consideration should be given to the bill. I have no desire to press the measure this session against the wish of the government, or against the wish of the House, and yet at the same time I desire to accentuate, as far as I possibly can, the necessity of legislation of this character. I entirely disagree with the suggestion thrown out that this legislation should not be passed except the free silver bill should become law in the United States. There is no reason why United States companies should not be compelled to do business under the same conditions as Canadian companies. If a foreign company is permitted to come into the Dominion of Canada to receive premiums in gold and have all the advantages of Canadian companies, there is no reason why the same responsibilities should not be assumed by that company as are assumed by Canadian companies in paying their policies in gold; in the second place, it is unnecessary for me to point out that while an insurance policy may not be a negotiable security within the technical meaning of the law,

yet the policies of insurance companies are received as securities by banks and by commercial companies every day in the year, and money advanced thereon. I am within the record in saying that any number of money lenders to-day have advanced money to the advantage of the policy-holders upon insurance policies. Now, except legislation is passed placing those policies upon as solid a foundation as Canadian policies, it is utterly impossible to negotiate them as a security in the same way as Canadian policies are negotiated. For that reason, I therefore say that the law should be amended so that even though this contingency should not happen, the very fact of such being possible in the remote future will depreciate the value of those securities in the hands of policy-holders who have a moral right to be able to attach as much value to them as if they held Canadian policies. There is another point on which I desire to make explanations and that is the apparently invidious distinction that is drawn in the bill between foreign companies and Canadian or British companies. The reason of that is simply this: a Canadian company is bound to pay the policy in gold under our Currency Act, and we know very well that a British company will certainly pay in gold on account of England being upon a gold basis; consequently it would be almost absurd to provide that the British company should pay the policy in gold. But with foreign companies it is entirely different. Considerable stress has been laid upon the fact by my hon. friend from Northumberland that many companies have voluntarily offered to amend their policies by providing that the amount should be payable in gold. I might say that I have received numerous communications from professional and business men throughout the country—gentlemen whom I have not the pleasure of knowing, but who wrote me on learning through the press that I had introduced this bill; pointing out the absolute necessity for it, and forwarding communications from certain American companies, in which they absolutely refuse to place their policies upon a gold basis—absolutely refused the request of the policy-holders that the policies should be made payable in gold. Therefore, even though one company should refuse, yet I think that legal force and sanction should be given to such a proposal as this, so as to ensure Canadian policy-holders receiving the full amount of their policies. Now, I am prepared to accept any suggestion my hon. friend the leader of the House may make in regard to the further consideration of the bill. I would with all due deference suggest that it should receive a second reading and go to the Committee of the Whole, where we can informally discuss its details to much better advantage than in the House and also the best means of afterwards dealing with it. If my hon. friend thinks that a committee should be selected from the House to further consider this bill, or that steps should be taken to have the insurance companies apprised of the measure we propose passing, I am quite prepared to accept that suggestion, but I think a more satisfactory solution of the difficulty would be attainable by a reference of it to a Committee of the Whole so that we can informally discuss the best methods to pursue.

The motion was agreed to.

Hon. Mr. LOUGHEED moved that the bill be referred to a Committee of the Whole to-morrow. He said:—My reason for making this motion is that we may discuss to better advantage the method to be pursued in having it sent to another committee as suggested by the leader of the House.

Hon. Mr. POWER—That would be a most irregular proceeding.

Hon. Mr. LOUGHEED—I accept the suggestion of the leader.

Hon. Sir OLIVER MOWAT—I did not mean to make that suggestion.

Hon. Mr. POWER—The bill has been read the second time. In former years the bill was read the second time and referred to the Standing Committee on Railways, and that committee appointed a sub-committee to deal with that particular measure. As we have a Committee on Banking and Commerce, which is composed of gentlemen who are well informed on the subject, the wisest course to pursue with this bill this session would be to refer it to that committee. That committee can report back to the House. But to refer it to a Committee of the Whole would be irregular.

Hon. Mr. ALLAN—I think my hon. friend is wrong in stating that it is an un-

usual course, because I recollect a special bill that was discussed in Committee of the Whole, and then referred to a special committee. I think my hon. friend asked that it should be referred to the Committee on Banking and Commerce because there are a great many more hon. gentlemen here than on the Committee on Banking and Commerce; and it could be discussed there and sent to some committee.

Hon. Mr. POWER—If I said it was an unusual proceeding, I did not wish to put it that way. I meant to say that, looking at the importance of the matter and the many considerations involved, it would be a very unusual thing to have a bill of that importance referred to the Committee of the Whole the day after it was read the second time. It does not give members a chance to discuss it.

Hon. Mr. LOUGHEED—I will leave it to the leader of the House.

Hon. Sir OLIVER MOWAT—We cannot hope to get this bill, or any bill on the subject, through this session.

Hon. Mr. ALLAN—We can discuss it.

Hon. Sir OLIVER MOWAT—And further, I have the strongest possible opinion that we should not proceed with the bill until we give an opportunity to the insurance companies to present any objections they may have. Therefore, I think there would be no advantage in discussing it to-morrow or any day soon. If we discuss the bill, it should be a fortnight hence, perhaps; but the better way would be to drop the matter after what has been accomplished. The principle of the bill has been affirmed without any objection, and we are sure that it cannot become law this session, and therefore I strongly advise that we should drop it for the present session. If the House will not agree to that, then I think the better way will be to send it to Committee on Banking and Commerce; and then if it must be referred to the Committee of the Whole, it ought not to be taken up there inside of ten days anyway.

Hon. Mr. McMILLAN—If it was referred to the Committee on Banking and Commerce it would be better, because then the companies that are interested would appear before that committee, and we would ascertain to what extent they would be affected before going further. But to drop the bill now at the second reading would look as if we were playing with the matter. I think it is better to proceed with it further, and send it to the committee where it belongs—the Committee on Banking and Commerce—and let the companies affected appear there and make their objections.

Hon. Sir MACKENZIE BOWELL—It very often occurs, in an important matter of this kind, that a private party, and sometimes the government, introduce bills affecting important interests, with the distinct understanding that the principle of the bill having been affirmed at the second reading, it should remain over till another session in order to give those parties directly interested in its provisions time to appear when it is brought before the committee. I think the suggestion of the leader of the House should be accepted by the hon. gentleman from Calgary as the correct one. The House having affirmed the principle of the bill, and knowing that it is impossible to place it upon the statute-book this session, it would be better to let it remain until the next session, with the distinct understanding that each company interested be furnished with a copy of the bill so as to enable them to appear and make whatever objections they have next session.

Hon. Mr. LOUGHEED—The House having affirmed the principle of the bill, and the leader of the House having signified that the government would next session approve of a measure of this character, I gladly accept the suggestion thrown out by both leaders in the Senate, and with the consent of the seconder, I move for leave to withdraw my motion.

The motion was withdrawn

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, 15th September, 1896.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

WESLEYAN METHODIST CONNECTION BILL.

FIRST READING.

Hon. Mr. MACDONALD (B.C.)—Introduced Bill (G) "An Act to incorporate the Wesleyan Methodist Connection of the Dominion of Canada," and moved that the said bill be read the first time.

Hon. Mr. AIKINS—It is not usual to discuss a bill on its introduction, though I have known it to be done, and I have even known a bill to be defeated at the first reading. I merely rise to mention the fact that I understand the name of this society is to be changed so that it may not be confounded with that of the Methodist Church. The title to be taken, I believe, will be "The Christian Connection."

The motion was agreed to, and the bill was read the first time.

REPRESENTATION OF BRITISH COLUMBIA IN THE CABINET.

INQUIRY.

Hon. Mr. MACDONALD (B.C.) rose to inquire :

Whether it is the intention of the government to give the province of British Columbia representation this year in the government of the Dominion? If not, what is the reason for not doing so?

He said :—In the debate on the Speech from the Throne a few days ago, I alluded to the subject of the present inquiry, and to my remarks on that occasion I have little to add now. In the session of 1895 I made extended remarks on this subject of representation, and produced a strong array of figures showing the magnitude of the trade in British Columbia and the very large revenue paid into the Dominion treasury by that province. That statement and speech of mine may be in the recollection of some of the hon. members of the House. Whether it moved the then premier, Sir Mackenzie Bowell, or not I do not know, but I do know that a member of the House of Commons asked me for my figures to use in that House, which he did, and not many months afterward that member was asked by Sir Mackenzie Bowell to take a seat in his Cabinet. When these figures were produced the present leader of the government was not in this House, although they are no doubt familiar to the hon. Secretary of State. I will therefore present for his information, to give him some idea of the commerce of British Columbia, a very short comparative statement from my speech of 1895. The figures were taken from the government statistics of 1894. I have grouped the provinces of Ontario, Quebec, New Brunswick, Nova Scotia and Prince Edward Island and compared their aggregate commerce and revenue with that of British Columbia, on the basis of population, with this result :—

1. Tonnage inward and outward for the five provinces named—1½ tons per capita against 18½ per capita for British Columbia.

2. The imports of these five provinces were $25.88⅓ per capita, against $53.23 for British Columbia.

3. The exports of these five provinces were $24 per capita, against $82 for British Columbia.

4. Revenue of these five provinces was $6.09 per capita, against $17.31 for British Columbia, showing that this province contributed in revenue nearly three times as much per head as those five provinces.

There are many other comparisons I could make on postal revenue, commissions on money orders, and other sources, giving British Columbia a high percentage over the other provinces; but I think I have shown enough to convince the Minister of Justice that our province should not be overlooked, and should not be kept from having a full voice in administering the affairs of the country. As the most important affairs of the country are centered in its fiscal and trade policy, and as British Columbia contributes its full share in these essential elements, it can fairly demand a full share in its government. I therefore hope the government will bring fair-minded common sense to bear on this question, and give British Columbia its rights. When the present premier was in that province he promised the people all manner of good things when he came into power. Now is the time for him to fulfil some of

those promises, that of representation in particular. Very likely it may be said now, as has been said on other occasions, that provincial divisions should not be considered in forming a government, but that the best men should be taken wherever they come from regardless of provinces. I need not say that these views are entirely theoretical and not in the smallest degree practicable, and will not be, until this country becomes more homogeneous than it is now, or than it is likely to become in the next fifty years. As an illustration, supposing all the wise and able men—in the opinion of any premier—were found in Ontario, and a government formed in accordance with that opinion, ignoring provincial divisions, what would Quebec say? Would Quebec acquiesce in any such arrangement? I think not. The individual provincial autonomy previously enjoyed renders the provinces more jealous of their rights, and more ready to demand and expect a full share in administering the affairs of the country. I hope the Hon. Sir Mackenzie Bowell will be able to say that he found the convenience of having a representative from British Columbia in his government ready to furnish accurate information at once, enabling him to deal in an intelligent and expeditious manner with matters of importance. At the present time there are most important interest in the Pacific which demand the careful consideration of the government, such as giving aid to avenues of communication to and from the Kootenay mining region. The wealth of this region is going at present to the United States, and that current of trade should be diverted to Canadian channels as soon as possible. Then the poaching on our fisheries, and smuggling on the extensive coast of British Columbia, call for immediate attention. For these and many other reasons a minister from that part of the Dominion, having a voice in the councils of the country, is an absolute necessity which should receive the attention of the government without delay; the convenience of which would be of great advantage to the government, enabling it to deal expeditiously and intelligently with matters affecting the province.

Hon. Mr. LOUGHEED—Would my hon. friend permit me to ask him a question? Are the imports and exports to which he has referred, the imports consumed by the people of British Columbia and the exports the products of British Columbia, or do they represent the volume of trade recorded at ocean ports in the province?

Hon. Mr. MACDONALD (B.C.)—The exports are the products of British Columbia, consisting of coal, timber and fish.

Hon. Mr. LOUGHEED—Not including exports passing through the provinces and transhipped by water?

Hon. Mr. MACDONALD (B.C.)—No, no. That question was raised some time ago, but there is no foundation for it. Of course, all the imports of any place are not always consumed in that place. Are all the imports in Quebec consumed in Quebec? They are consumed all over the country and it is quite possible some imports of ours may reach Quebec.

Hon. Mr. McINNES (B.C.)—The exports of that province increased last year over $5,000,000. That was in our mines alone, silver and gold.

Hon. Mr. MACDONALD (B.C.)—There are matters of interest which require close and immediate attention in the province. First of all, there is the matter of finding avenues of communication to and from our rich mines. It is well known that the whole benefit of our rich mines goes to the United States under present conditions. Very early in the history of the mining enterprise they had railways built and are able to send supplies in, and nearly all the ore goes to the United States for smelting. A good deal was done by the late government in the way of establishing communication by branch railways, and probably if they had remained in office they would have given a road by the Crow's Nest Pass, so that we could bring in supplies and coal for smelting purposes. Our fisheries are being poached by the United States fishermen, who come around our coast and also smuggle in goods as well of all kinds. The whole coast line is perhaps two or three thousand miles altogether, and not very easily guarded. At present nothing is done with reference to that. I recommend this most earnestly to the attention of the government, and I urge that they should deal with British Columbia as they deal with any other province. It is not fair that it should be left under any disability. There is nothing more disagreeable

for members than to have to go from office to office interviewing ministers and asking for little concessions. If we had a minister of our own, we could go to him, and the interests of our province could be placed before council in a proper way, and dealt with in a business-like manner. It is disagreeable work going from department to department. I did my share of it years ago, and I hope I shall never have to do it again. I will leave it to younger members to do. I hope the government will take up the matter as soon as possible, and deal in a proper spirit with our province.

Hon. Mr. McINNES (B.C.) — Hon. gentlemen who have occupied seats in this House for the last eleven or twelve years, will remember that I brought this subject of representation, not only of British Columbia, but also of the prairie region extending from Ontario to the Rocky Mountains, before the notice of this House more than half a dozen times. On each occasion I discussed the question very fully, and I would do so to-day again were it not that I intend, at an early day, to bring this subject up in a different form from that in which my hon. colleague has introduced it to-day. I will bring it up in such a way that it can be discussed freely by every member of the House, from every possible standpoint, and I may say that it is my intention to discuss it, not so much from the British Columbia standpoint as from a Dominion standpoint. I intend to discuss it from a racial standpoint and from a religious and denominational standpoint, and I think that I will not have much difficulty in showing the House and this country, through this House, that the system which has been pursued in the past in forming the ministry is radically wrong. When hon. gentlemen get the facts which I have in my possession, they will quite agree with my contentions. I fully agree with what has fallen from my hon. colleague from Victoria. I endorse every word he has uttered. He might have gone very much farther to-day in giving undeniable evidence that the western portion of the Dominion should be respected as much as any other part of Canada. Some doubt was thrown upon his statement that the imports and the exports of British Columbia really belong to the province. I would say to the hon. gentleman from Calgary that I do not believe there is $5,000 worth of merchandise imported into the province of British Columbia, on which duty is paid there, that is not used in the province.

Hon. Mr. LOUGHEED—My remark was not made with a view to throwing doubt on that statement, but rather for the purpose of permitting an explanation to be made. I am entirely in accord with the sentiments that have been expressed as to the importance of that province from a commercial standpoint.

Hon. Mr. McINNES (B.C.)—I am very glad the hon. gentleman has made that explanation, for this reason — many hon. gentlemen expressed a doubt on that subject when the matter was up on other occasions. I may also state that all the exports that we are credited with in the blue books from that province are British Columbia products also. I referred a moment ago to the fact that the volume of exports from that province last year nearly doubled. The products of our gold and silver mines alone were over five millions of dollars more than they had been the previous year, and according to the returns presented by the minister of mines from British Columbia the production of our silver and gold mines for the first three months this year was considerably more than one-half of the total production of our mines last year. I have every reason to believe that this year our gold and silver mines will produce between ten and twelve millions of dollars. Doubt has also been thrown upon the statement showing the large consumption of dutiable goods in that province, owing to our very small population. I have taken the trouble to look into this matter, perhaps more closely than most members of this House, and I find that no less than 39 per cent of the entire population of British Columbia have their names on the voters list. In the North-west Territories there is something like 42 per cent and in Manitoba nearly 45 per cent; but deducting our large Indian and Chinese population in British Columbia from the total returns of the census, we have over 60 per cent of the entire white population composed of male adults, and that explains how it is that we produce so largely and are such large consumers. It is owing to the fact that the population is composed principally of male

adults. There are fewer women and children in our population, than in other portions of the Dominion. I claim that, owing to the fact that the great majority of the population there are male adults actively engaged in mining, in fishing, in lumbering, and in other pursuits, they should receive much greater consideration than any number of population in any other portion of the Dominion. The hope of this country lies in that west. I firmly believe that in the next five or six years the mineral products of that country, gold and silver, will astonish not only this country but the whole world. Owing to the enormous area over which the precious metals are found in that country, I believe that Australia and California will pale in the presence of it. That I have every reason to believe, and hon. gentlemen must know full well that there is nothing that will attract immigration to a country like the discovery of gold and silver.

Hon. Mr. McMILLAN—Male immigration.

Hon. Mr. McINNES (B.C.)—The female immigration will soon follow the male. I expect, within the next five or ten years, there will be a greater immigration into the province of British Columbia than into the whole of the rest of the Dominion put together. I hope the government will give this matter full consideration and that the people of the great west and British Columbia will feel that their interests are looked after just as carefully, and all their rights preserved just as sacredly as they are in Ottawa, Halifax, Toronto, or any other portion of the Dominion.

Hon. Sir WILLIAM HINGSTON—Does the hon. gentleman start the theory that the greater the number of male adults in a community the greater the wealth of that community? I believe that such is the statement made by the hon. gentleman. Then, in the course of one generation, that being the case, British Columbia would necessarily become a very poor country. It is the view, I think, of most writers that where women largely predominate, there wealth is to be found, if not in the immediate, certainly in the near future.

Hon. Mr. BOULTON—In the remarks made by the hon. gentleman from Victoria I do not think he included the province of Manitoba or the North-west Territories.

Hon. Mr. MACDONALD (B.C.)—They paddle their own canoe.

Hon. Mr. BOULTON—They are very much in the same position as the province of British Columbia. I do not think it would be right to let these remarks go by without also drawing attention to the fact that our prairie country is without any representation in the Cabinet. I have not referred to the fact before, because the government are conducting delicate negotiations with that western province in regard to the school question, and I have no desire to throw any obstacle in the way of a peaceable and amicable settlement of that troublesome question; but while I do not desire at present to bring forward the question of the representation of that western country, in the Cabinet, which I have no doubt will come in due time, I cannot let the province of British Columbia get off with all the honours, so far as the production of wealth is concerned, and so far as imports and exports are concerned. I told hon. gentlemen the other day that we produced last year 30,000,000 bushels of wheat. Now, it will be a long time before the province of British Columbia will confer as many benefits on mankind generally and Canada in particular as we do in the production of food, which is the comfort of mankind.

Hon. Mr. MACDONALD (B.C.)—We furnish the money to buy the wheat.

Hon. Mr. BOULTON—That may be, but only to a very limited extent. Gold is the basis of our currency, and with a currency of about $25,000,000 we conduct a foreign trade of nearly 250 million dollars, in addition to our internal trade. The production of wheat is a very essential condition of life, and it is paid for by exchange of products, not by gold. We produced last year 30,000,000 bushels wheat. We sent out 50,000 head of cattle. We sent out, I think, 38,000 sheep and 15,000 pigs. Those are among the chief items of our exports. In the public returns these do not appear as exports. We sent out 15,000,000 bushels wheat direct to Great Britain through Port Arthur and New York. They do not appear in the returns as exports from the

province of Manitoba, and when our imports come into the province of Manitoba there is no means of showing the consumption of the people of Manitoba as in British Columbia, which is on the ocean seaboard. Its wealth in minerals, I have no doubt, comes up fully to the standard which has been presented to us this afternoon. But when the question of imports and exports, the purchasing power of the people, is brought up in a discussion of this kind, I think our prairie country will excel any portion of Canada in its power to produce wealth, its power to export and to import and to contribute to the revenue. The only question is in regulating the proportion of this wealth, whether it be in British Columbia, whether it be in the east, or west, the proportion that is to be allowed to remain with the industrial people who produce that wealth now affected by legislative preferences. Taking that particular view of the case, certainly a representative in the Cabinet from each important section of the Dominion is essential to the success of the government of the country, in order that in the inner councils of the Cabinet, a strong and wise voice may be had from Manitoba, the North-west Territories and British Columbia. It is utterly impossible for a cabinet entirely drawn from the east, to say what is the best for the great west and what will promote their interests best. The province of British Columbia, through the member for Victoria and the member for New Westminster, is very diligent in pressing its claims, and those hon. gentlemen are to be complimented for so doing. I think, however, it is only a matter of delay. In fact, we have had the assurance already from the premier that a portfolio is to be given to a western man, but that there were reasons why the appointment should be postponed. With that, so far as we are concerned in Manitoba, we will rest satisfied, although we regret the necessity for delay. It becomes more and more a matter of difficulty every year to appoint a minister from every one of the provinces. We have either to increase the number, or else one of the provinces in the east will have to give way in that representation. That is a matter of policy that has to be worked out, and I have no doubt will be satisfactorily worked out as we go. We are all, I believe, patriotically inclined, from one end of Canada to the other, to uphold the national spirit of the people and to build up a nationality which will work in harmony and set an example to the rest of the world of what an intelligent population can do in working out self-government upon an intelligent and honest basis. I am glad to accord to the eastern provinces that measure of respect and credit due to them for the enterprise and patriotism they showed in the construction of our national highway, they on their part should heed the first demands of the population that is aiding to build up Canada in the great west, for responsible representation and not take the ground, as some hon. gentlemen seem inclined to take, that that expenditure is a justification for delays of justice.

Hon. Mr. POWER—I desire to call the attention of honourable members to a question of order involved in this discussion. The hon. gentleman from Victoria asked a question of the leader of the government, and the strict practice is that no speeches are made except by the gentleman who asks the question and the member of government who replies. That rule has not been strictly adhered to in the Senate, but I remember the hon. gentleman who now leads the opposition did, in former sessions, insist that it should be adhered to with a certain amount of strictness; and in order to give those who wanted to make inquiries and have discussions a chance to gratify their wishes, a practice was introduced here nineteen years ago which has existed ever since of calling attention to a matter and concluding with an inquiry. I think if the hon. gentlemen who are interested in the welfare of British Columbia had been anxious for a general discussion, it would have been wiser had they taken the course which is usual in such cases and called attention to the absence of a representative from British Columbia in the Cabinet and asked the question; but I submit, hon. gentlemen, that particularly on a day like this, when there are many important matters on the order paper, it is not desirable that we should have a general discussion on, not only the affairs of British Columbia, but on other portions of the Dominion on a simple inquiry.

Hon. Sir OLIVER MOWAT—It has been found by experience, in legislative bodies, that it is inconvenient that there should be a discussion upon an inquiry such

as has been put here to the government; but I suppose the Senate has found it useful, in its particular circumstances, not to act upon that rule; and I therefore make no further reference to the point of order that my hon. friend has raised. With regard to British Columbia and the North-west, I think we can hardly exaggerate the importance of that enormous portion of the Dominion. I regard it as of essential importance to the greatness of Canada, which we all look forward to with hope and with pride; and there is nothing that can promote the prosperity of that vast territory which I will not rejoice in, which the government will not rejoice in, which I am sure every representative of the people, every section of the country, will not rejoice in; and when an expenditure is proposed the only question with any of us is whether, by the expenditure required, the rest of the Dominion may be unduly burdened. In intense desire for the promotion of the prosperity of British Columbia, Manitoba and the whole North-west, we are unanimous, and so far from there being any want of respect, the very contrary is the general feeling for those portions of Canada, as we rejoice to know. We are all proud of that country, and we all regard it as essential to the Dominion, and therefore its prosperity is essential to the Dominion. The question was introduced by quite an interesting speech, and some figures which I was glad to hear; though they present but a very partial view of what it is necessary to take into account when any question is presented involving expenditure; and it is on the matter of expenditure that these figures have a bearing. When we have to determine that sort of question we have to consider not merely such matters as my hon. friend has brought before us in an interesting way, but the whole subject, involving very many other considerations. We are not to forget the enormous burden which the Dominion has placed upon itself by the building of the Canadian Pacific Railway, giving access from this territory to the rest of the world. The expenditure for that purpose has been an enormous sum and has strained the resources of the Dominion very materially, but I am glad the road was built. I consider its importance to the rest of Canada worth the expenditure. If we think the expenditure has been more than was necessary, still, notwithstanding that, I quite feel that the sum which the railway has cost was money well expended, and I am glad the people of this country were prepared to take upon themselves so large a burden. Then, if you are to take into account the figures which my hon. friend gave to the House—I do not think he mentioned to us what amount of money was contributed to the revenue of Canada, or what expenditure was derived by the treasury of Canada from this territory, but I am not at present specially concerned in that.

Hon. Mr. MACDONALD (B.C.)—I gave the per capita revenue of British Columbia.

Hon. Sir OLIVER MOWAT—Which went into the Dominion treasury?

Hon. Mr. MACDONALD (B.C.)—Yes.

Hon. Sir OLIVER MOWAT—I did not catch that, but that again is a very small portion of what we would have to take into account. That is not the test alone on which a question of expenditure now is to rest.

Hon. Mr. MACDONALD (B.C.)—We contribute nearly half a million more to the treasury than is received by the government from other provinces.

Hon. Sir OLIVER MOWAT—Including the Canadian Pacific Railway expenses?

Hon. Mr. MACDONALD (B.C.)—Oh no.

Hon. Sir OLIVER MOWAT—Of course a vast number of things have to be considered, but I do not want to consider the subject in a narrow spirit. Though an Ontario man, I feel as great an interest in the territory of which we have been speaking as I do in my own province, and I should be sorry that my own province should benefit at their expense. I want that portion of the country to be prosperous as well as Ontario, or else we cannot expect Canada to become that great country which we sincerely hope for; but we rejoice in the meantime and hope that our children and grandchildren may see it. I am not going to refer to the bearing of any of the matters which have been spoken of on the question that has been asked of me; and with regard to that question my answer is that I am not prepared to speak on the subject of intention to which the inquiry refers, but as soon as I am in a position to make an announcement

on the subject, the announcement will be made.

Hon. Sir MACKENZIE BOWELL—I am fully in accord with the principle laid down by the hon. member from Halifax with respect to the point of order raised. The practice—whether objectionable or good I am not at this moment prepared to pronounce an opinion upon—but the practice has prevailed in this House of discussing in the broadest possible manner any question brought up in the way of an inquiry put to the government.

Hon. Mr. POWER—No.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman gave me credit a few moments ago for having called the attention of the Senate to what I considered at the time the abuse of discussing questions put to the government. I pointed out the practice in the Imperial Parliament, in which you are confined exclusively to the question put to the Ministry of the day, and in the discussion which follows, you must adhere strictly to any point that is raised affecting that question, without going outside of it. The hon. gentleman from Victoria, in presenting his case to the House, pointed out the reasons why he thought a minister should have been selected from British Columbia. I am not aware that the hon. leader of the House has answered that. He has given a very good answer from a diplomatic standpoint, and from the position which he holds at the present moment, that when he is prepared to answer the question, he will courteously condescend to do so, but at the present moment he is not prepared to do that. Now those who have read the newspapers and followed the discussions during the last campaign, and twelve months before it, know that when the hon. gentleman's leader was in the province of British Columbia, previous to the introduction in the late government of a representative of that province, one of the main points he urged as evidence of the want of attention which had been given by the late government to that province, was that they had not given them, considering their importance, a representative in the Cabinet. I fear very much, judging from the past, that that promise will be violated like very many others. When they come to reduce all those promises to practice, they will find some little difficulty in adhering to the many principles they had laid down to induce the people to vote for them and give them power. I very much regret, I say this in all sincerity, to hear the announcement made by the hon. member from New Westminster, that he intends, upon a future occasion, to discuss this question from a racial, a moral and a religious standpoint.

Hon. Mr. McINNES—I did not say moral. My object would be to prevent racial, religious or denominational influences entering into the selection of Cabinet ministers.

Hon. Sir MACKENZIE BOWELL—Perhaps the hon. gentleman meant immoral standpoint. I think it would be highly injudicious. Every member of this House will repudiate the principle on which he has promised to discuss the question. I am in hopes, old as I am, that the time is fast approaching, when the question of race, so long as a man is a British subject, will never be thought of in the election, either of members in the Cabinet or in the Senate. I lay down that as a broad principle, and when we find a senator rising here and deliberately stating that he intends to raise these objectionable points in discussing a question of this kind, I say it is very much to be regretted. I could not help thinking when I heard his silvery tones with respect to representation in the Senate, comparing them with that stentorian voice when he thundered denunciations at the late government for having failed to give British Columbia representation in the Cabinet. What a change has come over the hon. gentleman? Is it because he has moved from this side of the House to that side, that he has become a cooing dove, that he has no word of opprobrium, no expression of disapproval of the acts of the present government, though they had promised British Columbia a seat in the government? I fancy the time is far distant when he will have the pleasure of moving to the front benches. He will sit under his vine and fig tree a long time, singing "Gentle Annie" or "There is a Good Time Coming" or repeating to himself the old adage, "Hope told a flattering tale," before he will reach that haven of rest to which he has aspired for so long a time. We all know—the leader of the House does not, perhaps, unless

he has read the utterances of the hon. gentleman (and I do not accuse him of doing that to the extent they have been reported on the record)—how the hon. gentleman from New Westminster, who now is satisfied, and thinks he ought to rest satisfied, with some future hope of his elevation to a seat in the Cabinet, denounced the late government for not having given British Columbia representation in the cabinet; and how, as soon as the late government did give the representation asked for, he denounced them in the most virulent manner, stumping the constituency from one end to the other in order to defeat the very man who had been given a seat in the Cabinet.

Hon. Mr. POWER—I submit that what the hon. gentleman did during the late election has nothing whatever to do with the question before the House.

Hon. Mr. MASSON—I agree with the hon. gentleman, but I remember two years ago I raised that very point—that speeches should only be allowed by the gentleman making the inquiry and the minister answering him. The hon. gentleman from Halifax himself pitched into me because, as he claimed, I wanted to stop a member from speaking.

Hon. Mr. MILLER—I think the rule is as stated by the hon. member from Halifax, and perhaps it would be well if, upon occasions where a mere question was put to the government, speechifying should be confined to the gentleman who puts the question and the member of the government who answers it; but as we are not pressed for time in this House, very great latitude has generally been allowed to members in connection with questions of the character before the House. On the present occasion, as such latitude has been allowed to the hon. gentlemen who have already spoken, it is not fair to attempt to cut short the leader of the opposition. The hon. gentleman from New Westminster and the hon. gentleman from Shell River both wandered very far from the question, very much farther than the leader of the opposition is now doing, and, therefore, I do not think it is fair to call the leader of the opposition to order, when the other gentlemen were allowed to proceed until they had concluded their remarks.

Hon. Sir MACKENZIE BOWELL—If it can only be laid down as a principle in the future that the discussion shall be confined to the member who asks the question and to the leader of the government or whoever answers for him, I shall be quite willing to comply with the rule, but as the hon. gentleman from Richmond has said, the question has already gone far beyond that point and whatever I shall have to say will be confined to the question of representation in the Cabinet. I shall not enter at all into the reasons they have given, because I think with the leader of the government, that they are susceptible not only of being answered, but successfully answered. There are many points which were raised in connection with these sectional questions which would bear full discussion, which I think might be reduced to the simple question, whether we are to carry on government of this country by sections, by provinces, by races or by religions, or as one homogeneous whole. My idea is that we should forget those differences as far as possible, and bear in mind that the prosperity of one section of the country is of as much interest to another section of the country, as it is to the individuals who live in that section. I fully agree with the remark made by the leader of the government on that point, but what I want to point out to my hon. friend from Victoria, and more particularly my hon. friend from New Westminster is this, that in the formation of a government many difficulties arise, and I have no doubt my hon. friend opposite who has had a long experience in public life, has realized that fact. We know very well that the present leader of the government has had no little trouble. I will not comment on his manner of selecting his ministers. It is quite evident he came to the conclusion that there was not sufficient ability, or judgment, or talent within the ranks of those who have been fighting behind him in the House of Commons for years. Hence he appeals to the different provinces, to gentlemen who have taken no particular part in the deliberation in the House of Commons or the Senate. First he appealed to the premier of Ontario to take a position in this body, which many of his party had condemned as utterly useless, but which, I am glad to know, he now recognizes is of some use, and will be of more use in the future; but when the premier did that, he must have come to the conclu-

sion that the hon. Secretary of State, who had formerly held a very important position in the Cabinet of this country, was not equal to the task which is now imposed on the late premier of Ontario. Then we have our indefatigable friend who sits behind him (Mr. Power) who, on all occasions and under all circumstances was ready to give his opinions on all questions, for a more industrious man does not hold a seat in parliament.

Hon. Mr. MACDONALD (B.C.)—Dotting the "i's."

Hon. Sir MACKENZIE BOWELL—And crossing the "t's." But the leader of the government never thought so, or he would have given him a position which he gave to an outsider. Not satisfied with that, he evidently thought that among his own supporters in the House of Commons he could not find capable men, either for want of intellect or for some other reason, to take any important position in the Cabinet. Hence he appealed to New Brunswick and took the premier of that province; then to Nova Scotia and took another premier—that is three. He has the advantage of having two other past premiers in his Cabinet, Mr. Davies, of Prince Edward Island, who has been doing yeoman's work in the House of Commons, and is deserving of any position in the gift of the Cabinet. Sir Henry Joly had been premier of Quebec, it is true, but he has not been in Dominion politics for a long time. Still he was required to add some respectability to the Cabinet, and the premier must have thought he had more talent than the other gentlemen who had been elected. In addition to those, he selected two gentlemen who had not the confidence of their constituents. Subsequently, with all the power and authority of the Cabinet to aid them, they succeeded in obtaining seats. My hon. friend from New Westminster must remember there are two other Liberal premiers not yet provided for. There is the premier of Prince Edward Island, Mr. Peters. I suppose some of the gentlemen who have been supporting the leaders of the present government for a long time, will have to wait until there is a position obtained for him. Then are we to understand that it is to be Mr. Sifton or Mr. Greenway who is to be taken from Manitoba in order to complete the Cabinet with all the provincial premiers in the Dominion? I never supposed for a moment that they would go into the province of Quebec because the premier of that province is not exactly in accord with the government now in power in Ottawa. When these are all provided for, then my hon. friend from New Westminster may have an opportunity when a vacancy occurs.

Hon. Mr. McINNES—(B. C.)—I trust the hon. gentleman will not be quite so personal in his remarks. When he is calling attention to such matters I think he should include my hon. friend from Victoria.

Hon. Sir MACKENZIE BOWELL.—I very likely would do so if I could conceive for one moment that my hon. friend from Victoria had any ambition to associate with the hon. gentlemen who occupy the treasury benches of the country, but knowing that he has not, and that in sentiment he is not in accord with them, and that his political principles are adverse to theirs, I never could think they would hold out any inducement to him as a bribe to accept a position in the Cabinet. But is it not singular that we should have at this present moment a vacancy in the new government? I could understand in the case of a government which had been in existence for some time, a question arising which would divide the people of a province, rendering it difficult to obtain a full Cabinet. I had a little experience of that myself. I am not sorry that the hon. gentleman opposite is having the same trouble, arising out of precisely the same question. Here we find the Northwest with the great school question dangling before their eyes, and we are told ever and anon, that it is to be settled, but until that is settled it is impossible to fill the Cabinet unless they go outside of the province. It is held out as a bait to the province of Manitoba that they shall have representation in the Cabinet if they will make certain concessions which they refused to those who desired with earnestness equal to that shown by the gentlemen who now occupy the treasury benches for the purpose of settling that important question? It looks very much like a bribe dangling before the people, saying "settle this question and we will pay you by giving you a seat in the Cabinet." That is just the way it appears. Is Mr. Sifton to be ap-

pointed—Mr. Sifton, who denounced in such strong terms the late government in the county of Haldimand when he came down purposely to defeat a member of the late Cabinet, declaring that we were interfering with the autonomy of the province, and that under no circumstances would they allow interference, no matter whether they had violated the constitution or not? Is he to be brought into the Cabinet on condition that he settles the great question? Well, I hope he may settle it for the sake of the peace of the country. I hope it may be removed from the arena of federal politics, but I ask my hon. friend who sits before me if he considers that good political morality. If he says it is, then I am very much mistaken in the character I formed of him in the past. There are very many other points to which I shall not allude at the present moment, but wait with great patience, as I have no doubt my hon. friend will, for the hon. gentleman's answer. That may come after the next interview with Mr. Sifton, or Mr. Greenway, who, the papers say, are to come to Ottawa in order to have a further conference. But all that will not aid my hon. friend one particle, because the premier, if my recollection serves me right, stated the other day in the House of Commons that he intended to give that representation to the people of Manitoba and the North-west. His remarks led me to understand that there is to be another portfolio in the way of a Department of Mines and Minerals or something of that kind. If so, that will only be another evidence of the sincerity of the hon. gentlemen opposite, who have been continually denouncing the government for having so many portfolios. While I am upon this subject, I may say I was very glad to read the other day a statement made by the present Minister of Trade and Commerce. True, he denounced the creation of that department: true, they said it was not necessary, but the other day he said he thought in a very short time he would be enabled to find plenty of work to do. I can tell him from two years' experience in establishing that department, that he will not only find a sufficient amount of work to do, but that if he devotes his time and talents to the development of our trade with foreign countries, he will find all that he can possibly do in studying the resources of all these countries, and ascertaining from study and by investigation what they have to sell us, and what we can sell them. I disagree *in toto* with the remarks made by one of my late colleagues when he was attacking the government upon this question, in speaking of the Department of Trade and Commerce as an inferior department. It is, to my mind and to the mind of any one who will devote his attention to it, one of the most important departments in the interest of this country, that exists to-day. I should be very sorry, whatever re-arrangement of Cabinet portfolios may take place, to see that department abolished. You can so arrange it as to give it less rather than more work, as I intended to do had I remained at the head of the government, but under no circumstances do I think that, after realizing the importance of that department, will you ever think of abolishing it. I know of no man in the party to which my hon. friend belongs, who, if he devotes his time and attention to it, can develop the trade of the country better than the Hon. Sir Richard Cartwright. I say this because I feel keenly upon this question. I feel it is of vast importance to the future and to the progress of this country that we should spend all our energy and all our talent in ascertaining whether we can extend the trade of the country. Unless that is done we shall remain like one of the smaller states of Europe, without moving onward, and that is not the principle of the Conservative party. I would like the hon. gentleman to understand that we are a progressive people, and not of that stagnant character which they tried to represent us. I am afraid I am going beyond the question before the House, and therefore will conclude by suggesting to my hon. friend the propriety of taking some little advice from the hon. gentleman behind him. I do not suppose you will take it, but if you can only satisfy him, you will have accomplished a great deal.

THE SENATE BAR.

MOTION.

Hon. Mr. VIDAL moved:

That in the opinion of the Senate, the bar attached to the Senate restaurant should be forthwith closed, and that His Honour the Speaker give instructions to the person in charge to that effect.

He said:—I have to invite the attention of the hon. gentlemen to a comparatively

small matter. We have been wandering over the whole Dominion and discussing very important matters. I have now to ask your attention for a short time to a mere domestic matter. I trust hon. gentlemen will acquit me of any intention to insinuate that there is, in connection with the bar or restaurant down below our chamber, any irregularity or any improper behaviour connected with the House in any shape. I have been now attending here regularly for the last twenty-three years and I have never noticed a single instance which would have rendered it necessary for me to take such action as I propose to take to-day. In what has been said outside in reference to improper drinking practices prevailing in either House of Parliament, there has been a vast amount of exaggeration. I have heard from the lips of people with whom I have stood upon the platform in the cause of prohibition, statements which my own personal knowledge has enabled me to say were exceedingly exaggerated, conveying a wrong impression to the public mind; but while this is the case, and while I feel that so far as the members of this House are concerned there would be no necessity for interfering with what has been the custom for many years, circumstances have changed and it becomes desirable, and an exceedingly important duty with us, to protect the character of this House in public estimation and to do what in us lies to merit and secure the approval of the large number of right-thinking people surrounding us in the country. As hon. gentlemen are aware, the action of the other House is what leads to the subject being taken up with us to-day. I understand that House has gone not only as far as it proposed to go at the time I put the notice on the paper, but as far as the subsequent notice given by the Hon. Senator Aikins—that they have actually passed a resolution that there shall be no sale of intoxicating liquors at all in connection with the restaurant or bar in that part of the parliament buildings. This places us in a new and awkward position. Many hon. gentlemen will remember when in former years, not very long ago, a similar motion with respect to the closing of the bar in the other House was passed, the first result was a great dropping over of members and friends who had no business here to our restaurant, and the purchasing of liquor in our part of the building. I am satisfied, that the action of the other House is intended to be carried out, that it is not to be a mere resolution passed to deceive the people of the country with the idea that the drinking usages are to be stopped there, but that it is really to be enforced. You will see by a reference to the *Globe* newspaper, which, I fancy, is the inspired authority now, a very clear and distinct statement that the resolution is not to be an empty form, that there is a determination on the part of members of that House to carry into effect the prohibition which they have agreed upon. Now hon. gentlemen will see, almost as a necessary consequence of prohibition in that part of the building, that there will be a great influx of those who have been accustomed to get this indulgence there, to our restaurant and the bar connected with it. I am under a great disadvantage in speaking of the bar, because in all the years I have been here I did not know of its existence except by reputation, but I have been informed that not only does it exist, but that parties having no connection whatever with the Senate or the House of Commons, are frequently seen there obtaining intoxicating liquors, and very often it has brought a reproach upon our Senate to a certain extent amongst those who notice such things. It is asking very little of this hon. House to adopt the motion which I propose, and to say that there shall not be, under our sanction, any such thing as selling liquor in the bar, as it is generally understood. At the time I gave notice of the motion the other House had not gone further than that. They have since taken the further step of the entire prohibition of the sale of liquors within the precincts of that House, and that, I think, should lead us to adopt a similar motion. With that view I should decidedly approve of the motion, the notice of which follows mine, calling for entire prohibition in our part of the building, and I should be very glad indeed, if, by any rule of the House, that motion could be taken as a substitute for mine.

Hon. Mr. MILLER—You can do that by consent.

Hon. Mr. VIDAL—I would withdraw mine if the other is to be fully discussed and considered. I should not consider that I was receding from the position I take as to the

impropriety of the sale of such liquors in the building, but that I withdraw a weaker motion that a stronger one may prevail. I trust that in some way or other this may be arranged.

Hon. Mr. MILLER—You can have the other motion to follow as an amendment, or you can withdraw yours and have the other put.

Hon. Mr. VIDAL—Then I withdraw mine, but I wish it clearly understood that in withdrawing it I do not recede from my position, but give way in order that a more effective cure of the evil may be obtained. In connection with this we would have good right to feel sure that, if such a motion passes our House as passed the other House, requesting the Speaker to direct that there should be no sale of intoxicating liquors, it would be strictly carried out. To do that we require not only a Speaker's order, but we require that it shall be strictly enforced, that there shall be notice given to some responsible person in connection with the housekeeping, or any person whose duty it is, to see that such a rule is acted upon. I believe myself it will be almost necessary to have that door locked which communicates by a narrow passage between the restaurant on this side of the House and the restaurant in the other part of the building. That passage is used by many persons—I do not say the members of the House of Commons particularly—but persons coming from that part of the building have found their way to get their supplies on the Senate side.

Hon. Mr. OGILVIE—Is it not time enough to discuss that when the motion passes here?

Hon. Mr. VIDAL—I am not discussing it now; I am simply suggesting that it will be an important matter for consideration. If the House will permit me, I will withdraw my motion with a view to the motion of the Hon. Mr. Aikins, which immediately follows, being taken up.

Hon. Mr. SULLIVAN—They are altogether different motions. One stops the bar; the other stops the sale of liquor within the precincts of the Senate.

Hon. Mr. CASGRAIN—There is no bar.

The motion was withdrawn.

Hon. Mr. AIKINS moved:

That His Honour the Speaker be requested to issue an order prohibiting the sale of intoxicating liquors within the precincts of the Senate.

He said:—What has been stated by the hon. member from Sarnia, I most heartily endorse. I can freely state here that if the restaurant was confined simply to the use of members of this House, I do not believe there would be any abuse, but I am perfectly satisfied, from my past experience and what I have seen during the time I have been in the House, that that is not the case and cannot be the case very well. In the discussion which took place in the other chamber last night, I am informed it was stated there was no use in their closing up the bar of the House of Commons unless the Senate did the same with their bar. The question might naturally arise—why have they taken this action in the House of Commons? They have taken it in consequence of the healthy public sentiment outside. An election has just been held and the electors have pronounced a very strong opinion on the subject, and the very first session after the elections we find them introducing a resolution in precisely the same language that my resolution is couched in. It is unnecessary to say anything more than what has already been said on the subject. The matter is of sufficient importance that we might have an expression of opinion from the government with reference to it. I know the members of the government who are members of this House hold very strong opinions on this question, and I have no doubt if they express their opinion it will be in support of the resolution which I now have the honour to move.

Hon. Mr. POWER—I quite concur in what has been said by the two hon. gentlemen who have preceded me with respect to the importance of this question. I do not know what the individual sentiments of the members of the government are, although I presume, from what I know of their records, they would both be very anxious that the sale of intoxicating beverages in this end of the building should be put an end to; but we cannot always do just what we wish to do, and it seems to me there is one very serious obstacle in the way of the course indicated by the resolution moved by the hon. gentleman from Toronto (Mr. Aikins), that is the

fact that this Senate, represented by his Honour the late Speaker, entered into a solemn contract with the man who conducts the restaurant, under the terms of which contract we have not the legal right to immediately put an end to the sale of liquors within the precincts of the Senate. The agreement is a solemn one, reduced to writing and signed and witnessed, and binds the parties. Under that agreement we cannot take any such action, I submit, as that which is now proposed, without giving to the proprietor of the restaurant at least three months' notice of our intention to do so. I do not think that any very serious harm will result from our adopting the course which I now indicate. From all that I can gather, it is not probable that this session will last much more than another fortnight, and the required notice can be given, if this House wishes, so that after the beginning of next session, no intoxicating beverages will be sold in connection with the Senate restaurant. Apart from that, there is a question of courtesy which, of course, is not one of so much consequence. This matter of the restaurant has, for a number of years, been placed in the hands of a committee of this House. That committee acting on behalf of the House, made arrangements with the proprietor of the restaurant, and the contract to which I have referred and which is now on my desk, was the result of the work of this Senate committee. It may be possible that there is some way of getting out of this contract without rendering ourselves guilty either of a breach of faith, or liable to an action on the part of Mr. Barnett, but I do not think so. My impression is, that the proper course is to refer the matter to the committee who are properly charged with it, and if they can find any way in which what I presume is the desire of a majority of this House can be attained without a breach of faith or violation of the contract, they can so report to the House. The contract with Mr. Barnett was executed on the 9th January, 1896, and is substantially identical with agreements which have been in existence ever since 1885. Under this contract, the Senate undertakes to provide for the use of the restaurant, furniture, fittings, bar fixtures, &c., then the caterer undertakes to provide for sale in sufficient quantities and of the best quality to the satisfaction of the committee, of provisions, wines, liquors, cigars, &c., and "the agreement is to continue from session to session, but shall be terminated at any time on three months' previous notice to that effect being given by the Speaker or the committee to the said caterer." My own impression is, after a fairly careful perusal of this contract, that it binds us, but I may be mistaken, and the proper thing to do, as we have not time to carefully examine this agreement now, is to refer the whole question to the committee on the restaurant. I move in amendment to the resolution now before the House:

That the question of the sale of intoxicating beverages within the precincts of the Senate be referred to the committee on the restaurant, to consider and report on it at their earliest convenience.

Hon. Mr. VIDAL—Do you know if a contract like that was executed with the House of Commons?

Hon. Mr. POWER—I do not know. The Committee on Internal Economy considered the matter, and that is practically what we propose to do here.

Hon. Mr. McCALLUM—Then nothing can be done until the committee reports. You have not got the expression of opinion of the Senate at all.

Hon. Mr. ALMON—I have very much pleasure in seconding the resolution in amendment. When you see my hon. colleague from Halifax and myself agreeing, you must think there is something in it and that it is worthy of consideration, because in this Whig and Tory both agree. The motion, as originally moved, is a slight on the committee, of which the Speaker is chairman, and it appears to me to endorse an opinion which the hon. member from Sarnia says is very prevalent in the country, that there is a great deal of intemperance in the Senate. I say that to my knowledge that is very far from being the case. I have dined in the Senate restaurant every day this session. There are ten tables, I think, in the restaurant, and I have never seen, except in one instance, any liquor used at any of those tables for any purpose whatever. At one of those tables there are two members of the legislature and their wives. I do not think anything has been drunk at the tables except on the occasion to which I refer, and that occurred at the table at which I sit. A gentleman, who is a member of the Senate, whom I have known for fifteen years

and never known him to drink before, asked one day for a glass of whiskey as his stomach was out of order. It struck me at the time that he was acting on the recommendation that St. Paul made to Timothy. Neither St. Paul nor Timothy wore the blue ribbon, and I daresay there are zealots who would deny them access to the Lord's Table because they drank liquor, but when we come to hand in our checks, I would rather be with St. Paul and Timothy than with many of the temperance people who cry, Holy, Holy. Certainly no intemperance has taken place in the room where we dine. This person who followed the advice which St. Paul gave to Timothy, asked what was to pay for the glass of whiskey, and was told 15 cents. I drink whiskey myself and buy it by the case, and I can tell hon. gentlemen here where they can get it at a very reasonable price and a good brand. It struck me, if the price of whiskey down below is 15 cents a glass, there are not many persons who would go to the bar such as have been described here. I think the price of 15 cents a glass for whiskey will have a much more deterrent effect in preventing people going to the bar than any resolution which hon. gentlemen opposite can pass. Now, what is the effect of this resolution that the hon. gentleman from Toronto has brought before us? Is it not intimating that dissipation takes place in this building? You remember some time ago, when Lord Aberdeen gave a ball here, there was a clergyman—God forgive me for calling him a clergyman—who stated that the Senate had been used for a drunken orgie and that Senators' rooms were used for purposes of prostitution. That was a statement made by a clergyman. I think I have heard the hon. gentleman say that times have changed. They have changed. I am eighty years old. Sixty years ago, if a clergyman had said anything of that kind, the sons of the ladies who were present there would have torn the gown off his back and lashed him till his skin had as little feeling in it as his heart had when he made those observations. Hon. gentlemen may say I am speaking strongly —I do not think I am speaking too strongly. We are asked to endorse that brute's opinion, and say that liquor shall be banished from the building because there are reports of that kind outside. There are reports, and I have told you what one of the report is. Are we to act on that? As honest and brave men we should not be influenced by such reports. I say it should not have any influence on the action of this body. I hope the majority of this Senate will say the same. There is a great deal more that I might say, but others can say it much better than I can, and I am much mistaken if my sentiments are not the sentiments of the majority in this House.

Hon. Mr. AIKINS—I should be very sorry indeed to endorse any slanders which have been circulated with reference to this House, and members of this House, because I think those reports are entirely unfounded.

Hon. Mr. ALMON—Does not the hon. gentleman's resolution endorse them?

Hon. Mr. AIKINS—By no means, nor has the temperance sentiment of the country endorsed them. The difficulties raised by the senior member for Halifax can be very easily overcome. A contract has been entered into by and between the committee on the restaurant and the keeper of the restaurant. Three months' notice requires to be given. The difficulty can be got over by adding to the end of my motion, "after the close of the present session that the necessary three months' notice be given to the keeper of the restaurant."

Hon. Mr. POWER—No, that would not meet the difficulty at all.

Hon. Mr. AIKINS—Three months' notice has to be given.

Hon. Mr. McCALLUM—That amendment requires notice.

Hon. Mr. AIKINS—I am not making an amendment; I am suggesting that it might be amended in that way.

Hon. Mr. POWER—My objection to the proposed amendment is this; the committee, I presume, will report in favour of abolishing the bar, but they may not report in favour of prohibiting the supply of wine to persons who are taking their meals in the restaurant. I want to leave the matter open to the committee to make what report they think reasonable, and the House will consider whether they think the report of the committee reasonable or not. I do not want to tie the hands of the committee by

assuming in advance that they will decide that the sale of liquor should be absolutely prohibited after three months. Let them make their report and the House can deal with their report.

Hon. Mr. VIDAL—If this course is pursued, perhaps it is necessary that some steps should be taken to prevent people who do not belong to the Senate at all drinking at the bar. That should be done now.

Hon. Mr. POWER—The committee can do that.

Hon. Mr. OGILVIE—I take my lunch downstairs every day while I am here. As the hon. gentleman from Sarnia has said, I have never been down there to see it, and I have never seen a bar there either, but, like the junior member for Halifax, I have not seen two glasses of liquor drank in the lunch-room this year. Years ago I did see people walking past going some place, as I supposed, for a drink; but this year I can safely say I have not seen a single person walking past there at all. A more quiet and respectable place than that I do not know of. Then, as the hon. senior member for Halifax says, if this House appointed that committee, they should be treated with just as much courtesy as any other committee in this House, and if that committee was appointed by this House, and they have our confidence, surely you have sufficient faith in them to let them report as they think proper. Whether we receive that report, or pass upon it one way or the other, is another matter; but if I was a member of that committee, and restricted this way and that, I would tender my resignation, because I would see that you had no confidence in me.

Hon. Mr. ALMON—I shall move, if this is referred to the committee, that the hon. gentleman from Sarnia be asked to attend that committee to produce any evidence he wishes, and to examine the keeper of the restaurant, or the waiters or any other people he likes. I do not agree with his motion, yet if he is on the committee, and if he points out any real abuse or any intoxication, though no other member of the committee votes with him, I shall vote with him, for although my hon. friend is very zealous on this question, he is not a fanatic. He does not think, as very many temperance people do, that because a man does not wear a blue ribbon he is ruined. The people in favour of temperance are divided into two classes; one class are those who are sincere temperance men, like my hon. friend from Sarnia, and others are drunkards who assume hyprocrisy to disguise what they are doing. I was a member of the Senate when I opposed the Scott Act. I was talking to a gentleman and I said, "I suppose you are going to oppose my resolution?" He said, "You have been speaking about me a good deal lately." I had a conversation with a gentleman at this time, and spoke about the Scott Act, and he said to me, "Don't worry, as long as you and I have a shilling in our pocket there is no law will stop us getting a glass of liquor." Those gentlemen were only a type of a large number of people who are supporting that measure.

Hon. Mr. MACDONALD (B. C.)—I am sure every hon. gentleman in this House will give the members moving these resolutions full credit for consistency in this matter. There is no one who can speak better as to the working of the restaurant than I can myself. I have taken my meals there for some time. I have never seen any abuses. I know that a year or two ago, when another caterer had the restaurant, that people went there and drank, and he was summoned and fined for giving drink to people who were not members, and the whole thing was stopped. I fancy that now, for the last two or three years, no one from the outside, unless they were brought here by members of either House, got any liquor in that place. The House should be entirely above any clamour or scandal outside. We have stood abuse of different kinds many times, and can stand it again. We do not care what clergymen or any other people say: as long as we do not abuse the privilege we do not commit any wrong. I think the sale of spirits ought to be entirely confined to members of this House and the other House and their friends. If the other House has abolished its bar, how are we to prevent them coming to the Senate restaurant? They come in here and dine and have wine if they want it. Are we to prevent that? I do not think it is right or proper to do so. I do not think it is right for any one in this House to tell me that I should not have my wine if I wish to have it. I very seldom take it, and if I do, it does not do me any more harm than

water, and perhaps not as much, because the water is sometimes bad. I think the senior member for Halifax has struck the key of the matter. The caterer has rights which cannot be trampled upon, and if this matter were relegated to the restaurant committee now, they could frame rules and regulations which would be satisfactory to the House. If you prohibit wine and liquor in the precincts of the House, what will the Speaker do? One of his functions is to dine the members of this House, and if he is prohibited from having wine, he cannot fulfil his functions. I do not drink much wine myself, but I hate a cold water dinner. I hope nothing will be done to bend to any fanatical feeling inside or outside this House. I shall support the motion of the hon. senior member for Halifax.

Hon. Mr. VIDAL—I wish to correct an error in the remarks of the junior member for Halifax. I heard him so indistinctly that I did not call attention to it at the time, but if I am right he seemed to refer to my having spoken of the debauching practices carried on in our restaurant. Now I was very careful to say very distinctly that I did not believe that there was any wrong or impropriety or irregularity of any kind connected with the restaurant, and I trust I made that plain to the House. I do not agree with the remarks of the hon. gentleman from New Westminster when he talks about the members of the Commons having a right here. It is our part of the building. If they say that they will not have any liquor sold on their part, I do not think they have any right to say they will come over to the Senate side and get it. The House of Commons having passed this resolution, if it is not carried here, it will make our House a drinking place for members of that House.

Hon. Mr. MACDONALD (B.C.)—You need not be afraid of that.

Hon. Mr. PERLEY—Since I have had the honour of a seat in this House, I have frequently visited the restaurant down stairs, and I may say that I have never seen any abuse in the matter of intoxicating liquors there. I have been at dinner parties where they have had wine and used it, and I can hardly see the consistency of either motion as made by the hon. member from Sarnia and the hon. member from Toronto. My view is that it is not proper to have liquor here. How are you going to sell it? How are you going to handle it? One gentleman says there is a bar. There is no bar, if I understand it aright. Any time I have seen liquor sold it has been brought in to the table and not sold at a bar. I never was aware there was such a thing as a bar in the Senate restaurant. The hon. gentleman, in his motion, says: "To prevent the sale"; do you suppose the man in charge is going to give the liquor away at dinner parties? He must sell it. He must charge for the liquor, and therefore the liquor is being sold. A proper amendment would be to prohibit the use entirely. If we are going in for prohibition I believe we should stop it for all hands and not for a few. As long as you have it there, it will be used, and there will be a way of getting over the difficulty of selling it at the bar. Therefore I move an amendment to that effect, seconded by my hon. friend from Sarnia, because I know he is a good temperance man and always has the best interests of the temperance cause at heart, and is sincere in that matter. In order to cover the ground effectually, I suggest that there shall be no liquor in the building at all. We can do our work as well without liquor as with it, and I am sure as regards dinner parties, the hon. gentleman who has held the position of Lieutenant Governor of the province of New Brunswick for three terms, Sir Leonard Tilley, never had wine at his dinner, and I have known parties where they have no wine. Why should not the same principles prevail down stairs? If we are going to be temperance men, let us be so in practice.

Hon. Mr. POWER—The hon. gentleman must remember that there is a contract with the caterer which we cannot over ride.

Hon. Mr. PERLEY—The hon. gentleman has told us that two or three times. I believe in doing a thing not by halves. If we are going to promote temperance and prohibition—and I am entirely in accord with that sentiment—let us do it in whole, and I am sure it will be a very great advantage to our distinguished Speaker, who will not have to feast us on wine hereafter. I therefore move, as an amendment, that His Honour the Speaker be requested to issue

an order to prohibit the sale and use of intoxicating liquors in the precincts of this House after the expiration of the present session. I presume my hon. friend will not object to second that motion.

Hon. Mr. VIDAL.—No, I will not second it.

Hon. Mr. PERLEY.—Does the hon. gentleman refuse to second my motion?

Hon. Mr. MASSON.—The hon. gentleman has no right to put that question. The mover must find a seconder for his motion, or it cannot be put.

Hon. Mr. McCALLUM—It is a very interesting discussion, that we have had on this question. I have been in parliament, I think 28 years, and I must say a word on behalf of the members of the House of Commons and members of the Senate. Listening to this discussion you would think members came here only to drink. I stand before the Senate here and I may say for the members of this House and members of the other House, that you can take the same number of individuals from any profession or calling in the Dominion of Canada—even the church—and they would not behave as well as these members do. It is lowering to the Senate to say that we come here to drink, and that because there is liquor in the building we will not keep sober. Why everything is good; drink is good if you take it in moderation. I have not seen a drunken man since I have been here. I have not seen a half a dozen drunken men here in 28 years. And here the slander goes through the country that Senators and members of the House of Commons come here to drink. The hon. gentleman from Sarnia says that circumstances have changed. Does he mean to say that the great Reform party of this country wanted to shut off liquor? I hope, for my own part, that I have heard the last of this question. I shall vote to leave it to the Restaurant Committee of this House, and when they report we will vote as we think proper when the question comes up.

Hon. Mr. ALLAN—I wish to point out that the arguments which have been used with respect to the abuse or non-abuse, by members of this House, of the privileges which are given here for the sale of liquors and wines have no effect whatever so far as regards the hon. gentlemen who have offered these two resolutions, either my hon. friend on my left or my hon. friend opposite, and for the simple reason that they are total prohibitionists. They do not believe in any middle course. They say it is absolutely necessary, if you are to have temperance prevail throughout this country, that you should prohibit entirely the sale of intoxicating liquors. I think that is their position, and there is very little use in discussing their respective resolutions to endeavour to prove or disprove whether the Senate or their friends have made an improper use of the privilege at that bar or not. The hon. gentleman from Sarnia will do me the justice to say that on no occasion have I ever opposed any of his bills or amendments to bills in reference to temperance which he has brought into this House. I took that course upon this principle, that, looking at the tremendous evils which result to the community from intemperance and from drinking, I was very unwilling to take the responsibility upon myself of putting any bar in the way of legislation which in the judgment of my temperance friends might possibly have the effect of checking that enormous evil; not that I believe in prohibition myself. I believe that before you can make a total prohibition law effectual, the people of the country must be educated up to it. A very large number certainly do not look upon the infraction of such a law as a matter which involves moral delinquency of any kind. I have known places where the Scott Act was in force, and tried to be carried out, but it was constantly infringed, and every method was attempted to get round it; and nobody seemed to think that he was a law breaker or doing anything morally wrong. Therefore I should very much prefer to see this question of total prohibition deferred until the country has given sufficient evidence that such legislation is not only demanded but will receive an honest observance. I do not think we have such evidence, notwithstanding all those long petitions which have been at different times presented to the legislature. I know how those petitions are got up, and I cannot attach as much value to them as perhaps my hon. friends who are in favour of them do; and for that and the reason I have just mentioned I have never been an advocate of total prohibition. In reference to the resolutions before the House, I cannot help

thinking that the motion of the hon. member from Halifax is really the wisest one; because as I understand the extract which he read from the agreement with the present restaurant-keeper, it would to a certain extent involve a breach of contract, if the sale of liquor was put a stop to at once. I understood him to say that he would append to his resolution that this conference between the restaurant committee and the restaurant-keeper should be carried out with a view to the extinction of the sale of liquors in the House after the close this session. Am I correct in that?

Hon. Mr. POWER.—Putting a stop to the bar at any rate.

Hon. Mr. ALLAN—If that is the proposition, it is a reasonable one, though I am not concerned myself, one way or the other, as to which of the resolutions now before the House is adopted, because I do not intend to throw any obstacle in the way of any measure which earnest and conscientious advocates of temperance, may honestly consider will effect the all important object they have in view. I wish to say however, before I sit down that as having been in years past, a member of the restaurant committee, and at one time Speaker of this House, I can bear the fullest testimony in addition to what has been said by previous speakers, to the fact, that within my knowledge there never has been any abuse on the part of members of this Senate of the use of intoxicating liquors which were sold in the restaurant, whatever may be said with respect to persons who improperly obtained admission there.

Hon. Mr. GOWAN—I think the motion of the senior member for Halifax is the very best mode of disposing of the question before the House. The information which he gave us shows that very clearly. He spoke of the contract as a solemn one. I would scarcely use that term myself with respect to the contract. But it is a lawful contract, and the facts in connection with the contract which we made indicate that when the question of total prohibition is being dealt with by the public, the question of compensation will have to be considered. We are not to do evil that good may come. We are not to destroy and violate an existing contract without compensation. I shall therefore vote for the motion of the senior member for Halifax.

Hon. Mr. O'DONOHOE—Listening to the discussion this evening, I was expecting to hear from some of those who support this resolution a cause for introducing the question here. The promoters of the resolution have reiterated that not even any irregularity was complained of in regard to the conduct of the Senate and its restaurant. Although liquor has been sold for so many years, even those who are so anxious to remove the stain of liquor from within the precincts, can point to any irregularity, or abuse of the privilege; is it not then a wanton piece of business to introduce a measure here to deprive members who so conduct themselves and their affairs as the very promoters of the resolution lay it down that not even an irregularity has been committed? Here comes the evidence of a former Speaker, a man at the head of many of its most important committees; and what does he say? That during all that long period no abuse has come to his knowledge. If that be the state of things, what is the cause of this movement? Are we not bowing and bending to the hypocritical opinion that is raging abroad? I say that it would be a very high disparagement of this body to bow to any such opinion or any such passion. What can lower the Senate of Canada more than to be told that they are not capable of conducting themselves with decorum and within the bounds of moderation? The evidence is all the other way, that the utmost decorum, the utmost moderation prevails, and no abuse has been committed which would justify this measure. I say that the Senate should take care not to disparage themselves, and they are doing it when they disparage a committee of their own creation. The amendment proposed by the hon. senior member from Halifax is a reasonable one towards that as well as it would be towards any other committee, but to move a resolution condemning ourselves as men unfit to govern our appetites would be more disparagement to the Senate than all its enemies have said about it. I shall vote against the measure in every shape except the amendment to refer the matter to a committee of this Senate. They will report to us, and after that report is made, the Senate will be better prepared upon the evidence to give a sensible decision than

they are to-night. I submit that that is the proper course, and I believe the only course that it is competent for the Senate to take.

Hon. Mr. FERGUSON (P.E.I.)—I agree with the resolution submitted by the hon. gentleman to my left (Mr. Aikins) and I think it is due to the sentiment of the country that we should pass that resolution. If there have been abuses in connection with the bar or restaurant of this Senate, I am not aware of them. I am not taking that ground at all, and I do not give any as to whether members should have the privilege or the right of enjoying themselves at the bar or at the restaurant as they think proper, but something is due to a very wholesome and strong moral sentiment which exists in the Dominion of Canada to-day with regard to this question. I must dissent from the observations made by several hon. gentlemen who have described those people who hold strong views on the temperance question as cranks and hypocrites. I do not think it is necessary for the discussion of the question, that any such observation as that should be made. I contend that a very large proportion of the best people of Canada hold very strong conscientious objections to the sale and use of spirituous liquor in any form. Now, what better evidence have we that such a feeling exists than the resolution of the House of Commons on this matter, when we find the leaders on both sides endorsing that resolution? I think hon. gentlemen should agree to this step. It is not a great sacrifice on their part. It does not convey an admission that they have ever abused their privileges in regard to this, but it would be a step acknowledging the sentiment of the country in regard to this question. On these grounds I am going to support the views of the hon. gentleman who has brought this subject before the House; but that the views of the House may be correctly tested in regard to it, I shall move an amendment to the amendment. I think the amendment of my hon. friend from Alberta was not seconded. I notice what the hon. gentleman from Halifax said about a contract not being terminated except by giving three months' notice. The better course would be to authorize the Speaker to have notice given, and after that time the resolution would go into effect. I do not agree with the motion of the hon. gentleman from Halifax that we should relegate this matter to the committee on the restaurant. Their duties are of a different nature. It is not to decide upon a question of principle of this kind, but to carry out the views of the House with regard to the general management of the restaurant, and I am sure, from what I know of the gentlemen composing that committee, that they will be happy to carry out the views of the House on that subject.

Hon. Mr. O'DONOHOE—If such a notice were given now, it would be giving the notice before the House has determined the question of whether the abolition should take place or not. It would be much better to refer the matter to the committee to be reported upon to the House, and allow the House to take action upon it.

Hon. Mr. FERGUSON (P.E.I.)—When the hon. gentleman hears the form of my amendment I think he will see that it covers the point he has raised. The resolution before the House reads:

> That His Honour the Speaker be requested to issue an order prohibiting the sale of intoxicating liquors within the precincts of the Senate.

I would move to insert these words after the words "be requested," to make it read, "be requested to give notice of the termination of the present contract to the keeper of the restaurant," etc. I move this as an amendment to the amendment.

Hon. Mr. POWER—I contend the hon. gentleman's amendment is contradictory. The hon. gentleman says that His Honour the Speaker is to give three months' notice to terminate the contract, and he goes on with the remainder of the resolution to abolish the sale of liquor.

Hon. Mr. FERGUSON (P.E.I.)—It is quite easy meeting that by adding the words "at the expiration of three months" at the end of the resolution.

Hon. Sir MACKENZIE BOWELL—There is nothing that the restaurant committee can report that we do not know at the present moment. If it were not unparliamentary, I should say it was an ingenious mode of shelving the question. You refer to the question as to whether liquor shall be permitted to be sold in the Senate restaurant.

We are all able to vote on that question now. It is just possible we could get no report, but if we did, that report might be pro or con, but what difference can that make to the members of the Senate at the present moment? Would it change their views? I venture the assertion that everyone here has made up his mind on the question. It is simply a question whether liquor shall be sold or not.

Hon. Mr. POWER—No.

Hon. Sir MACKENZIE BOWELL—That is the motion before the House.

Hon. Mr. POWER—The hon. gentleman leaves out of sight altogether the terms of the contract.

Hon. Sir MACKENZIE BOWELL—I do not say how I shall vote, but I say the relegating of this question to the restaurant committee can have no other effect than to postpone an expression of opinion on the subject. There is nothing, I repeat, that that committee can report that will change the vote of any senator who is now present in the chamber. If it were a question of establishing a restaurant, if it were a question of the advisability of taking any course that had not been adopted in the past, then I could understand it. The question of the bargain which has been entered into is like all others. The House of Commons have entered into a similar contract with their caterer. They have abolished the sale of liquor without a dissentient voice. I do not know what the views of the leader of the House are on this subject—I suppose he is the custodian of the morals of this House, and I trust he will give his opinion. It may be true that the restaurant keeper, if you pass an absolute resolution now, could ask for damages. As a matter of equity he would have a right to do so, particularly if he has laid in a stock. That must have been considered by the Committee on Internal Economy in the House of Commons, when the Speaker of that body was instructed to issue an order. In my experience a similar order has been issued time and again, and it has had just this effect—it closed the bar for a little while, but never prevented anybody getting liquor who wanted it. In every instance it was a crucial question put before the House, yes or no. That would not interfere with the Speaker's dinner. When the Speaker gives a dinner he does not sell the wine.

Hon. Mr. MASSON—But the liquor is just as intoxicating.

Hon. Sir MACKENZIE BOWELL—I admit that if you drink enough of it. If it be right to prevent the sale of liquor, if any good is to result from it, then compensate the man who is injured. I would not vote for any prohibitory law unless I knew that that was part of the bargain, neither should I vote for a resolution which would injure the man who was a party to this contract unless he was to be indemnified.

Hon. Mr. PERLEY—Is my motion in order?

The SPEAKER—The hon. gentleman has not found a seconder for his motion.

Hon. Mr. MILLER—In this House you do not need a seconder for a motion. We follow the practice of the House of Lords.

The amendment to the amendment was declared lost.

The amendment was declared carried.

RAILWAY ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. McCALLUM moved the second reading of Bill (A) "An Act to amend the Railway Act."

Hon. Sir OLIVER MOWAT—I have given what consideration I could to this measure since it was before the House yesterday, and the House will observe that this is with the government an open question. I believe my hon. friend, the Secretary of State, takes a different view of the bill from what I do. The government does not adopt any particular policy on the subject. It is for the House to consider whether it will pass the bill or not in its present form, or some other form. My attention was called to the subject when I occupied a different position, and from those members of Ontario, who represented rural constituencies, in the provincial assembly, the statement was almost unanimous that some measure of this kind was necessary in the interest of the country. There is difficulty in framing a

measure that will accomplish its purpose, and at the same time do no harm in another direction in which it is very important we should avoid doing any harm. This bill meets some of the difficulties, and some of the difficulties only, by means of its provisions. To give it a chance of passing, it would require further amendment, but to the general purpose of it I see no objection. A good deal of care has been manifested in framing its provisions to meet some of the objections raised when a similar bill was before the House in some previous sessions. The object of the bill is to provide a tribunal which will be less costly, in case of drains of small value, than the present system is. It is suggested that the power which the Railway Committee of the Privy Council have is amply sufficient, and that that committee is better than any other tribunal that can be provided. I think the answer to that is quite conclusive—that it is not a good arrangement of judicial power in this matter, that all such questions, however small and however far the locality may be from the seat of government, should be disposed of there, and there only. There are other objections which may be suggested, but that is a very essential one. We are told that it would be quite sufficient for a municipality desiring a drain, or ditch, or water-course, or some repair to it, to write a letter to the chairman of the board stating what it is they want; but the matter may be one involving controversy. It may be necessary to have witnesses and counsel. The municipality may have to be represented before the Privy Council Board, and all that involves a great deal of expense and delay. You cannot estimate the expense. It probably would be, in many cases, considerably in excess of the value of the work to be done. What does this bill propose? It proposes that work of this kind across a railway, or railway land, should be constructed by the company itself. That is not with a view of imposing a burden on the railway, but to answer an objection made that it is of great importance to the public that work of this kind should not be done by other people—that the railway itself should do the work if it is to be done at all. Two things have then to be considered. One is, how is the expense to be borne, and the other to provide some means, where the cost of the work is a matter of dispute, of deciding what proportion should be borne by each. The bill proposes that a difference of that kind should be settled by arbitration. But other disputes may arise. For instance, it may be a matter of dispute where the crossing of the drain or water course should be, in what particular locality. Then, as to the plans and specifications, a number of questions as to these may arise, all bearing more or less upon the question of safety. It is proposed that these should go before the Railway Committee of the Privy Council, but there is an express provision that an engineer should first be sent by the board for the purpose of making an investigation on the spot and reporting to the Railway Committee of the Privy Council, and the Committee may confirm the view of the engineer or may not. That is surely protection enough for the railways. In fact, it is nearly the same system as now; what the bill proposes is not dealing with the matter against their interest any more than the present system is against their interest, while the bill makes reasonable provision for cases in which the cost is small. In cases where these other subjects have to be considered, notice is required from the railway company stating the objections to the particular mode in which the municipality proposes to do the work. The advantage of that is that the municipality may remove those objections, may get a new plan, new specifications, make new arrangements, all which would very often facilitate the work; but if the municipality thought the objections of the railway company were so unfounded and so objectionable that they ought not to yield to them, then they can have a contest before the Railway Committee of the Privy Council in the manner that this bill points out. I think that is safe enough. I do not see any danger in it. I see an advantage to the people who have now a grievance in this matter. I shall suggest some amendments if the bill goes on. Of course, it cannot be expected that parliament will pass the bill in this short session, but it may perhaps be an advantage if we can make the bill such as to give it a chance of passing to make those amendments now, because doing so it will give the railway companies time to consider them between this session and next session. In former discussions on this subject, some of the provisions of the bill were objected to. Some of the objections are

reasonable and the sections ought to be amended to meet them. The first clause provides that the railway company should be responsible for maintaining all drains and water-courses in the condition in which they are at the time of the passing of this Act. It is suggested that sometimes changes may be made with advantage all round, and new drains or water-courses be provided as a substitute for those in existence at the time of the passing of the bill. That case ought to be provided for, and the substituted drain or water-course should stand in place of the drain or water-course in existence at the passing of the Act. Then there may be in existence contracts for the maintaining of drains or water-courses, and this clause might put an end to such contracts or affect these in some way or other. I think that should be provided for, which it easily might be by declaring that the section was not to affect any existing contract. The railway company may be bound to do the work, but if there is any contract about the doing of it, that contract would still be valid as between the parties to it; only, to the public the railway should be responsible for the doing of it. Then, of course, this obligation should only apply as long as the land in respect of which the railway was liable was held by the railway. Without noticing some other objections which have been made, and which, I think, could be removed by amendment, I must say I fail to see how the sixth clause can be amended so as to be satisfactory. I confess I think it is too large a power to give to the municipalities to submit railways to general regulations, whatever these may be, as to drainage. That is a very large expression. I must quite admit, that, between railway companies and the public, the main question is as to the safety of travelling—the safety of trains. That is a matter of immense consequence, and the railway companies should not be interfered with in the way in which they might be by the exercise—the honest exercise—of a provision of that kind. I do not know whether that clause could be modified in a way to meet this difficulty, whether we could introduce some words which would make it safe to give that power to all the municipalities of the Dominion. I, myself, in the short time I have had to consider this, have not been able to see how it can be done—perhaps it can. On the whole, I think the principle of the bill is one which there is no impropriety in adopting, which, in view of grievances that have existed for some time, it is desirable that we should adopt. I always have some doubt whether I am right, however, when on a question of this kind, the Secretary of State takes a different view.

Hon. Mr. SCOTT—I have on several occasions expressed my opinions on this bill, and they are pretty well known to this House. I must, at the outset, assure my hon. friend from Monck, if he assumes that my opposition is to the giving of facilities for the municipalities to effect free and facile draining of their lands, I should be exceedingly sorry to entertain such a view. I appreciate the motives which have prompted him year after year to bring forward this measure, and he has had some experience of the difficulties which have been felt in one or two localities with which he is familiar. My main objection to this measure is that the law laid down in the Railway Act offers the easiest and best method of settling disputes of this kind. The probabilities are that this system will be found more cumbrous and difficult and embarrassing to the parties than the present one. The existing law provides that whenever, after due notice of application thereof, the Railway Committee decides that it is necessary in the interests of any municipality that means of drainage should be provided, or lines of water pipe or other pipes be laid, etc., it may, after hearing the parties, direct how and on what terms such drainage shall be made, "and thereupon such municipality shall construct the works necessary to carry out such directions, but only under the official appointed by the railway." I pointed out on former occasions that the cost and difficulty of appearing before the Privy Council had been greatly exaggerated, that it really costs nothing to appear before it. Evidence has been furnished that the practice before the committee was this, that if a municipality desired to construct a drain across the lands of a railway committee, by mailing a letter even to the secretary of the Railway Committee an officer would be sent from the department to the locality to decide then and there whether the railway was to be benefited and what proportion of the cost should be borne by the railway and what by the municipality. I am quite aware

there has been, unfortunately, an individual case that has, I am sorry to say, been very much mismanaged and is really responsible for this proposed legislation. The provision in this bill involves a reference to arbitration, because the probability is there will be a disagreement between the railway company and the municipality if it is only for the purpose of getting it before the Railway Committee. The Railway Committee, even in cases where the amount is under $800, is still constituted a court of appeal, and the probability is there will be this dispute between the municipality and the railway company, because if they had not differed they would have agreed without the intervention of legislation, as railways do now within my experience. Numbers of cases are disposed of by the two great railways without the public ever hearing of them. Where there is a difference as to the proportion the railway and the municipality ought to bear, or where a culvert should be placed, it is sure to go before the Railway Committee of the Privy Council, so I venture to say the cost under this bill will be four-fold what it is under the present system. As it now six o'clock, and the details can be discussed in committee, I suppose my hon. friend will refer it to a Committee of the whole House.

Hon. Mr. McCALLUM—Yes.

Hon. Mr. SCOTT—The advantage of sending it to the Railway Committee is that those who represent the railways can be better heard there. It is probable some amendments will be introduced which will remove from the bill the opposition which it has met from the railway companies.

Hon. Sir MACKENZIE BOWELL—I understood the leader of the House to say it was impossible for any measure of the kind to pass this session, and I cannot see anything to be gained by going on with the discussion or referring it to a committee. However, I have no objection at all that it should pass its second reading and go to the committee. I cannot sit down, however, without complimenting the government on the unanimity which prevails in the cabinet on a question which affects the great railway interests of the country. It is an extraordinary spectacle, under responsible government, to see the cabinet, on a great question like this, which affects millions of dollars, holding such diversity of opinions. By and bye we will have, I suppose, the United States system introduced, in which there will be no responsibility whatever, each member of the cabinet holding and expressing any opinion he likes, and no one of them will object so long as they keep their places. I compliment the hon. gentlemen opposite on the unanimity of sentiment in the new government.

The motion was agreed to, and the bill was read the second time.

Hon. Mr. McCALLUM moved that the bill be referred to a Committee of the whole House on Thursday next.

Hon. Sir OLIVER MOWAT—Say Friday.

Hon. Mr. McCALLUM—Delays are dangerous. The leader of the House says that this legislation cannot be carried this session. I know he was of a different opinion on a former occasion: he thought a measure of this kind should pass through parliament without any unusual delay, and I depend upon him to carry this measure through now, because if he does not give me what is right and reasonable in this House, I shall leave him to deal with the people who are affected. When Sir John Abbott was leading this House, I brought the bill to his notice. Sir John Abbott was a great railway lawyer. He was the father of this bill as much as I am, and we were aided by a committee of this House. The Secretary of State of course opposed it on all occasions, but I thought when he got a seat in the government he would cease his opposition to this measure. He wants to be consistent, I suppose. I want to get this bill through if it is possible to do it. If I do not get it through, and the government obstruct it, of course they will be responsible, not I. I will have done my duty. I know formerly the leader of the House was strongly in favour of a measure of this kind.

Hon. Sir OLIVER MOWAT—I have said so now.

Hon Mr. McCALLUM—But the hon. gentleman is in favour of undue delay.

Hon. Sir OLIVER MOWAT—No, if you will say Friday, I will be able to help you.

Hon. Mr. McCALLUM—What I am saying is more for the benefit of the Secretary of State than the leader of the House. The Senate has carried this bill time and again. There are details here which can be better dealt with in Committee of the Whole—for instance, the question of expense. If a man lives at Vancouver or at Halifax, under the present system he has to come all the way to Ottawa to appear before the Railway Committee of the Privy Council to get a judgment, and when he comes here the railway company has a lawyer retained to oppose him. I showed one case last year where the railway company claimed $200 where they were only entitled to $12.50. I thought that ought to have satisfied the Secretary of State, but he is at the old work again.

The motion was agreed to.

The Senate then adjourned.

THE SENATE.

Ottawa, Wednesday, 16th September, 1896.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

NORTH-WEST JUDGES.

INQUIRY.

Hon. Mr. LOUGHEED rose to

Inquire if the government intends to increase the number of North-west judges? And if so, when will legislation for that purpose be introduced?

Hon. Sir OLIVER MOWAT—My attention has not been called to there being any occasion for an increase in the number of judges in the North-west.

Hon. Mr. LOUGHEED—Do I understand the hon. gentleman to say that the number of judges will not be increased?

Hon. Sir OLIVER MOWAT—I say my attention has not been called to the necessity of any increase, beyond what the law provides for. There are some vacancies which will be filled up.

Hon. Mr. LOUGHEED—There are no vacancies. The matter has created some interest of late, and there has been a report circulated that an increase is to be made in the number of the North-west judges for the purpose of providing for a certain well-known gentleman. In view of that report I thought I would ask my honourable friend if that were the case.

Hon. Sir OLIVER MOWAT—There certainly will be no legislation on the subject this session.

MURRAY HARBOUR SOUTH BRANCH RAILWAY.

MOTION.

Hon. Mr. PROWSE moved:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate, copies of all memorials, reports, resolutions of public meetings and other documents in the government, relating to the construction of a branch railway from Southport to Murray Harbour South, and also relating to the construction of other proposed branch railways in the province of Prince Edward Island.

He said:—Yesterday we had a very interesting debate on the claims of British Columbia, and the importance of that great province to this Dominion. I may say that as far as that province is concerned, I quite agree with a great deal of what was said by the hon. gentleman who represents that province. I believe it is of more importance that the outlying provinces, those further away from the capital, should receive the paternal care and consideration of the government, more so than the large and important provinces in the centre of the Dominion, inasmuch as the more important provinces cannot possibly be overlooked in the legislation of the country. The important sections of the Dominion, particularly the two great provinces, Ontario and Quebec, will always absorb a large amount of the attention and paternal care of the government of the day, but the interests of the outlying provinces, such as British Columbia and the little provinces down on the Atlantic coast

are very apt, if not possessed of full and fair representation in the Cabinet, to be neglected and overlooked, and the great interest which they have with the Dominion to be sacrificed. In that regard I may say I am in entire accord with those who are pressing the claims of British Columbia to representation in the Dominion Cabinet. So far as the province from which I come is at present concerned, I have no fault to find. We have a capable representative from Prince Edward Island, and I trust that his presence in the Cabinet will prove to be in the interest of the Dominion, as well as of his province. I wish to call the attention of hon. gentlemen to a matter which has been before this House on several occasions, and indeed has been agitated in one section of Prince Edward Island for twenty years. I refer to the extension of our railway system. At the inception of confederation in Canada, the regulation in reference to building railways in the different provinces was that no railway should be subsidized or built by the Dominion of Canada except it should connect two or more provinces together. That system was carried out for some years. Afterwards that arrangement was broken through, and another arrangement was adopted, which gave to the railway companies of this Dominion who built railways in different portions of Canada, something like $3,200 per mile. When Prince Edward Island first entered confederation, we had a railway in the island some two hundred miles long. It was contracted for and built by the island government itself. The cost of that railway was charged against the province on our entering confederation. Consequently, the Dominion of Canada is paying nothing for interest on that money, because the principal portion of that amount, some three and a quarter millions of dollars, was charged against the island debt. Of course we were deprived of interest on that amount of money which we would have got to equalize the debt of the island with other portions of Canada. When this arrangement was entered into of granting $3,200 per mile in aid of railways in other portions of Canada, Prince Edward Island could not receive any benefit from that arrangement, because the main line of railway on the island was owned, as part of the terms of confederation, by the Dominion Government and no company could possibly go to work and build small branch railways on the island and keep up its workshops and offices independent of the main line. Consequently we could make no use of that arrangement of $3,200 per mile on the island. Subsequently that system was broken through and the government of the day, very wisely I think, assisted railways to a greater extent than $3,200 per mile, and in some cases entirely built railways in several of the provinces. I may mention in this regard the following railways which were built entirely by Dominion grants :—

St. Charles Railway Branch.
Rivière du Loup Branch.
Dalhousie Branch.
Indian Town Branch.
Oxford and New Glasgow Branch.
Annapolis and Digby Railway.
Pictou Town Branch.
Dartmouth Branch.
Cape Traverse Branch.

That Cape Traverse Branch is on Prince Edward Island. It is about eleven miles long, and it was built as part of the terms of confederation in order to give the public access to the winter crossing between Cape Traverse and Cape Tormentine. That is the only money that has been spent in Prince Edward Island for railway extension from confederation up to the present day. I want to establish one or two points in this regard. The first is that it is an absolute necessity for Prince Edward Island, if you wish her to prosper as other portions of Canada, that those branch railways should be built. In that regard, I may say that the soil of Prince Edward Island is of a very puecliar character. We have very little rock and very little hard pan for macadamizing. Our soil is soft clay, mixed a little with soft sandstone, and in the fall of the year, when there is heavy traffic upon our roads, and a good deal of rainfall, our soil is mixed up into a heavy clay mud, over which it is almost impossible to take anything of a load. From five hundred weight to half a ton is a heavy load for a horse in the fall of the year, and the fall of the year is just the time when the people of the island have got to export and transport their agricultural produce. Our harvest comes in October and the ship-

ping does not commence till about the first of November. Then we have to dispose of all our surplus produce, and it is a good deal for that province—I think, more per head of the population than any portion of the Dominion of Canada. We export a great deal of oats and potatoes, and it must all be got rid of in five or six weeks in the fall of the year. The consequence is that there is a great demand in Prince Edward Island at that time of the year for small vessels, because we supply Nova Scotia, New Brunswick and Newfoundland with a great deal of our produce, and there is at that season of the year a scarcity of suitable vessels. We know that from experience; in the fall of the year we had to pay double the freight for a small vessel that we had to pay in the middle of the season, which is a great drawback to the farmers of that country. Then, another thing which is against the farmers of that country is that there is such an amount of this produce going into the markets of Nova Scotia, New Brunswick and Newfoundland at that time of the year, that the prices fall 25 per cent or 30 per cent immediately on the arrival of the produce from Prince Edward Island, and we want facilities by which our farmers can get their produce to market, in a quicker and less expensive way than at the present time. If they had these railways extended it would be a great benefit to them. The question may be asked, is Prince Edward Island entitled to this expenditure? We do not come here asking for favours. We think Prince Edward Island is entitled to it and justified in demanding it. We think the railways are due to Prince Edward Island, to place the people of the island on the same footing with the people all over the Dominion of Canada, and I think that cannot be gainsaid. I will not trouble the House with figures, but I will refer hon. gentlemen to a speech delivered in 1894 by the hon. member for Marshfield, in which he demonstrated without the slightest possibility of contradiction—no attempt has ever been made to contradict it—that Prince Edward Island might fairly claim, to place her on the same footing as the other portions of Canada, $2,000,000 expenditure for public works. We do not ask $2,000,000 just now, but we do ask that these railways, which have been petitioned for, may be built soon. One reason for bringing up the matter at the present time is that during the late elections a good deal was said against Prince Edward Island getting these branch railways. The people were told that they were started simply for electioneering purposes and to gain votes at the elections, and that there was no sincerity on the part of the government of the day in promising it, nor in the politicians advocating it. For my own part—and I am speaking for the people of Prince Edward Island—I say such is not the case. This demand has been specially made for one portion of this railway between Southport and Murray Harbour, a distance of 60 miles, and it would be a great benefit to that part of the country. This part of the island is not receiving any benefit from the railway system of the province, nor from the railway system of Canada, and they have an interest in this matter that cannot be overlooked. This question came up specially in 1895 in this House. It was discussed here, and I must say that the presentation of the case was most favourably received by this hon. body. I can refer with very great pleasure to the speech of the hon. member from Shell River, who spoke in favour of it, and of the late hon. member from Lunenburg, who spoke in favour of it, as did, also, the senior member for Halifax. So important a speech as that of the hon. gentleman from Halifax I think is deserving of being repeated to this House. It is a very short speech, and I will read what the hon. gentleman said on that occasion:

> The hon. gentleman from Prince Edward Island now advocates the construction of certain branches of the island railway. In this they have my most hearty support. I feel that Prince Edward Island has, perhaps, had less justice done to it since it entered into confederation than any other province of the Dominion. No province has a stronger claim. I venture to say that the policy which may have served other portions of the country has, to a great extent, injured Prince Edward Island. That province has got very little in the way of public works, and the only thing which this government can do of much consequence for Prince Edward Island is to construct those branch railways which have been spoken of.

Other gentlemen spoke very much in the same strain, and, as I said before, the expression of opinion in this House was decidedly in favour of this proposition. The Senate really was practically unanimous in its favour. The late government gave us some assurance in 1895 that this matter would be taken up, but I understood the reason why it was not done that session was

because the prospects for a balancing of revenue and expenditure were not very favourable; but we had the assurance from the Minister of Railways and Canals that, when the question of subsidies to railways would be taken up again, the claims of Prince Edward Island would be carefully considered and granted. This is what the hon. member who was then Minister of Railways and Canals said in the House of Commons:

I have a good deal of sympathy with the hon. member for King's (Mr. Macdonald) in his complaint that large sums have been expended constructing the Intercolonial, Canadian Pacific Railway, the canals, and other public works in different parts of the Dominion, and that while these may be regarded as work for the benefit of Canada at large, still this little island receives, not even indirectly, very much benefit. On that account he claimed that there should be a larger expenditure in Prince Edward Island in return for the larger contributory share which she pays for the public works of the Dominion. There is a good deal in that argument. There is a good deal in the statement that although the whole Dominion is interested in these works, several parts of it receive no more benefit than what Prince Edward Island does. The whole heart of the island seems to be set on having more expenditure on railways. The government have had petitions frem the two senators representing that island, and from our friends supporting the government, Messrs. McLean and Macdonald, to have certain works constructed there. We have had petitions from several of the inhabitants and other sources advocating a scheme by which, although there would be a large expenditure on capital account by extending railways in different directions throughout the island, the amount charged to income would not be increased. I may state for the information of the House in what directions the petitions are. They are in favour of a line of railway from O'Leary Station, westward, eight miles.

I wish to draw the particular attention of the Senate to the short distances and the comparatively small cost of building the branch railways and the reasons given by the Minister of Railways and Canals why they should be given:

	Miles.
From Summerside, northward	3
do Emerald do	7
do North Wiltshire Station, southward	10
do Royalty Junction, northerly	9
do Harmony, eastward	8
do Southport, south-eastward	60
Total	105

The last branch is intended to be a line starting from Southport going towards Murray Harbour and branching off a part of the distance towards Montague Bridge, making connection with New Perth. I was so much impressed with the scheme of the hon. gentleman and the petitions, that I ordered inquiries to be made as to the proper expense of building these lines, amounting in the aggregate to 105 miles. My officer made an estimate of the probable cost of the construction and equipment of these roads. Not having any instrumental survey of them, he was only acting upon his judgment as to the contour of the island.

I may say with reference to the ability of the engineer to make a proper estimate of the cost of the railway, that the chief engineer of the Department of Railways was the contractor for the Prince Edward Island Railway, and no man was in a better position to estimate correctly the cost of the branches than that gentleman. The Minister of Railways and Canals continues:

He is of opinion that these roads will not be very costly. His estimate is as follows:—

Forty-seven miles of the six short branches at $8,000 per mile	$376,000
Three locomotives at $9,000 each, and five combined passenger and baggage-cars at $5,000	52,000
Sixty miles of Southport road, including engine-houses and rolling stock at $11,000	660,000
Total estimated cost	$ 1,088,000

Or say $1,100,000. With respect to what results may be realized from the operation of these roads by using to a great extent the present rolling stock, and the staff as far as practicable, the following is the estimate of cost of operating and of the earnings:—

COST OF OPERATING.

Forty-seven miles of the six small branches, say a train to double the road each day, equals 29,432 train miles at 47 cents	$ 13,828 34
Snow-plough train, say 1,000 train miles per year at 47 cents	470 00
Sixty miles of Southport line, one train each day each way, 37,460 train miles at 95 cents	35,587 00
Snow-plough train, say 2,500 train miles at 90c.	2,250 00
Estimated cost of operating per year	$ 52,135 34

EARNINGS.

Six short branches at $250 per mile of railway, 47 miles	$ 11,750 00
Southport line at $750 per mile of railway, 60 miles	45,000 00
Estimated earnings	$ 56,750 00

SUMMARY.

Working expenses	$ 52,135 34
Earnings	56,750 00

I may say that during the campaign a good deal of exaggeration was indulged in by politicians to make political capital for their friends in other parts of Canada. We may just as well allow that matter to drop there, but I may say I noticed in a report in the Halifax *Chronicle* during the campaign, that one gentleman in Prince Edward Island, too, made a charge against the late government that we were offering to spend $4,500,000 in Prince Edward Island for building railways. I would remind hon. gentlemen what I stated here with reference to a remark made by the present Secretary of State at Ottawa, that it would cost $12,000,000. This was stated, no doubt, as a piece of party politics to secure the return of a certain class of politicians, and to a large extent that was successful. Let that go. I have nothing more to say on that point, but I wish it to be distinctly understood that the statements made on that occasion are not borne out by the facts. We require those railways, and the cost, according to the engineer's estimate—the estimate of a man who is well qualified to make a correct estimate—is nothing approaching what was stated by these politicians. As has been stated already, the claim of Prince Edward Island has reached $2,000,000, and the cost of these railways is estimated to be only a shade over $1,000,000. The question was asked Mr. Haggart, when he was stating that to the House of Commons by the present Minister of Marine and Fisheries, "Does that include the bridge?" And Mr. Haggart said, "No, it does not include the bridge." Then the present Minister of Marine and Fisheries went on :

> The estimates which the hon. gentleman read showing the cost of constructing a large number of railways in Prince Edward Island may be approximately correct; I have not sufficient information to be able to judge as to that. I assume that they are correct. The hon. minister was also kind enough to say that when the time came he would be in favour of subsidizing some railways in Prince Edward Island. But when is that time to come, does he think? Has it come now, or will it come next session, or ten years hence?

I have given reasons why it did not come in 1895, but in 1896 the representatives from Prince Edward Island were still pressing the matter on the attention of the government, and the prospect of an equalization of revenue and expenditure being better, the government decided on that occasion to make an appropriation for the commencement of that work and the Minister of Railways and Canals on that occasion brought down the following resolution in the House of Commons :

> That the House do go into committee of the whole to-morrow, to consider the following proposed resolution :—
>
> That it is expedient to authorize the Governor in Council to build and operate, as part of the Prince Edward Island Railway, the following lines of railway, that is to say :—
>
> (*a*) From Southport to Murray Harbour south, with a cross line connecting with the Prince Edward Island railway, between Peakes and Cardigan station, touching at or near Montague ridge ;
>
> (*b*) From Souris or Harmony station to Elmira ;
>
> (*c*) From a point between Royalty Junction and York Station to Cove Head, and thence to Oyster Bed Bridge ;
>
> (*d*) From Emerald Junction to Stanley Bridge, touching at or near Clifton ;
>
> (*e*) From Summerside to Richmond Bay ;
>
> (*f*) From some point at or near O'Leary's Station to some point on the western coast, between Brae and Cape Wolfe ;
>
> (*g*) From Wiltshire to Victoria.
>
> Whereupon Mr. Haggart informed the House that His Excellency the Governor General having been informed of the subject-matter of the said proposed resolution, recommends it to the House.
>
> Ordered, That the House do go into committee of the whole, to-morrow, to consider the said proposed resolution.

I need not refer to why that resolution was not carried through. I hope the causes which prevented it will never occur again in Canada. It is not for us to discuss the course which hon. gentlemen thought proper to take in the other branch of parliament, but it was owing not to unwillingness on the part of the government of the day, but to the impossibility of those resolutions getting passed through the House of Commons that nothing was done. I may say, too, that it was the firm determination of the government that the whole of these railways should be built, and with that end in view the government had a bill prepared and was ready to carry it through during last session—the session of 1896. But it was no use introducing that bill, seeing the course that the then opposition were prepared to take with reference to the management of public affairs in this Dominion. I may also quote a statement made by the then leader of the government to show that it was the fixed and settled policy of the late government to build these branch railways. The hon. leader of the government of that day, who now leads the opposition in this House, made this statement :

I do not know that I can say anything more than was said by my colleague, the Minister of Railways, when speaking on this subject * * * *

And he did not think this was more than the province could properly claim. The government would, he was sure, deal justly with Prince Edward Island on the next occasion when government aid was given to railways.

I have no hesitation, on behalf of the government, in reiterating that statement, not only with regard to Prince Edward Island, and extending it to the other provinces of the Dominion, where railway extension is necessary for the proper development of the country.

That was in 1895, the session before these resolutions were brought down. That section of railway proposed to be built in Prince Edward Island, in which I am more directly interested is from Southport to Murray Harbour south. That section comprises about one-fifth of the area of Prince Edward Island. It is as fertile and as thickly settled and populated as any portion of the province, and there is no reason, so far as I can see, why this railway should not be built. It will not cost a very great deal of money. Railways can be built very cheaply in Prince Edward Island; the soil is soft, there are no high mountains or any very deep ravines. I am pleased to believe that the present minister from Prince Edward Island is in favour at least of this line of railway consisting of about 60 miles, from a remark which he made during the speech of the hon. Minister of Railways and Canals in 1895, and I believe that since then he is disposed not only to build that railway, but to build a bridge across the river connected with the workshops in Charlottetown. All I have to say in regard to that is that if that can be accomplished, if the government can see their way clear to expend that much money to build a bridge in connection with the railway, I consider the bridge is only second in importance to the railway itself. We did not think it was advisable to ask for the building of that bridge, because we believed if we got the railway it would be a great boon to that country, but if we could have the bridge as well, let us have it by all means; we shall be delighted and the government will get the benefit of it. I am aware that a different route from the present one was advocated at one time. The matter was submitted to the people down there and they approved unanimously of this line and condemned the short line from Perth. That was a proposition first made by the present Minister of Marine and Fisheries, but I believe he has abandoned that line and now is an advocate and presses for the building of a line upon which we have all agreed. That has been fully discussed by the people and settled, so far as they are able to settle it, and from my knowledge of the country I am satisfied, and take the responsibility of stating, that the short line that was then proposed would be of little or no use. The people would have to travel three times the distance to reach the direct centre of trade, the city of Charlottetown and they consequently would travel by their horses and not use the railway, because they would not be disposed to travel three times the distance that they would if they had the direct route. I do not know that I would be justified in occupying more of your time on the present occasion. I trust the government will give the matter the most favourable consideration and grant us that which is honestly due Prince Edward Island. But, before I resume my seat, I would say this, that so far as the other small branches are concerned, the 45 miles, would be in my opinion an advantage and a saving of money to the Dominion, and as great an advantage to the people of Canada as well, inasmuch as they would be feeders leading out to the sea coast in different directions, and bringing in the fish and other products of that part of the country, from the farms, and so on, to the main line and increasing its traffic. Everyone of these branches is absolutely required and necessary, and would be a great advantage, and I think the annual loss in the working of the Prince Edward Island Railway would be lessened by the building of these small branches. I hope the government will give the matter their favourable consideration and grant this boon to Prince Edward Island, small and insignificant as she is comparatively as far as area is concerned, but not as far as her men and her means are concerned, because they will compare favourably with any portion of Canada for their industry and their material wealth in proportion to population. If you consult the statistics you will find our people have more money placed to the credit of individuals in the savings bank than any other portion of Canada, per head, of the population, and the island is more thickly settled than any other portion of Canada—that is, any other province in Canada. Our farmers are in a very prosperous condition, and only

want better facilities in getting their produce to market, and it will then be, what we have considered it, in reality, to be for a long time, the Garden of Canada.

Hon. Sir OLIVER MOWAT— I understood my hon. friend's object in bringing forward this motion was that he might make the interesting statement with regard to his island to which we have been listening. The same motion in substance has been made in the other House and carried there; so that a return has been already ordered, and I do not suppose the hon. gentleman desires that there should be a second order for this honourable House. I listened with much interest to the observations of my hon. friend and I am delighted that he can say so much that is good about Prince Edward Island. I am glad to know that there is no part of the Dominion, which, for its size, is wealthier, and no part of the Dominion in which the farmers are more prosperous than Prince Edward Island and I am glad to know—and I did not require his observations here to enable me to know—that there is no part of the province in which the people are of a higher class than in Prince Edward Island. I am very glad that the island forms a part of the Dominion. It was no part of the confederation in the first instance, and I would be delighted to do whatever may be in my power to favour all projects which may promote its prosperity and which it may demand, and which the government may fairly, consistent with the burdens the Dominion has to bear, further incur. I do not intend to enter into any observations with reference to what my hon. friend has been stating. I see it was not thought necessary in the other House to do that when a similar motion was made there. It is well known to hon. members that there is no intention to present any railway projects to parliament during the present session. As many of them as may be possible will be fully considered before next session, when, whatever policy we have on that subject will be announced.

Hon. Mr. FERGUSON—I do not know that I would have felt called upon to make any observation on the motion which has been moved by my hon. friend from Murray Harbour and supported in the very concise and able speech which he has just made, were it not that I wish to call the attention of my hon. friend the Secretary of State to a newspaper report of a speech made by him in the city of Ottawa on nomination day, 16th June last. He is reported to have said on that occasion that the late government had brought down a proposition for the construction of railways in Prince Edward Island of great magnitude, and that the burden which it was proposed by that bill to impose on the citizens of Ottawa was $125,000 in consequence of the construction of these railways. I wish to call the attention of my hon. friend to the statement which he is reported to have made on that occasion. A calculation based thereon would lead the people to believe that the cost of these branch railways would amount to about $12,500,000. The city of Ottawa has a population of 50,000 and if the city of Ottawa was called upon to bear a burden to the extent of $125,000 for building branch railways in Prince Edward Island, it of course followed that the burden on the entire population of Canada, which is five millions, would be $12,500,000. As far as that is concerned, if my hon. friend is reported correctly in having made that statement, it certainly requires some explanation. The fact has been stated by the hon. member who moved this resolution, that a careful estimate made by Mr. Schrieber and a report to the Governor in Council was laid before the House of Commons in 1895 showing that the entire cost of the branch railways proposed to be built in Prince Edward Island was only one million and eighty-eight thousand dollars. Another gentleman, the Minister of Marine and Fisheries, who was supposed to be an ardent advocate of railways in Prince Edward Island, is reported to have made a speech in Nova Scotia wherein he accused the late government of intending to spend over four million five hundred thousand dollars on these branch railways, but it has since been explained that the statement was one million five hundred thousand, and that it was a mistake on the part of the reporter. Even that was fifty per cent over the carefully prepared official estimates which had been submitted to parliament. I have been impelled to make a few observations, mainly with a view to calling the attention of my hon. friend the Secretary of State, to the report of his speech on that occasion. I hope the hon. gentleman will be able to explain to the House that there has been a mistake somewhere, because it

certainly is a very serious matter if a public man really went before the people in one part of the country, and in order (that would be the inference) to prejudice them against the government of the day exaggerated to such an extraordinary degree as that statement certainly did, the proposed expenditure which the government was undertaking for the benefit of another province. I may state in a few words what I conceive to be the basis of the claim of Prince Edward Island with regard to the construction of public works. When Prince Edward Island joined confederation, we entered upon certain specified terms, which are to be found in the public documents, and these were that in consequence of the large sums authorized by the parliament of Canada for the construction of railways and canals in the other provinces, Prince Edward Island would be allowed to enter at a debt per head, which was larger than had been allowed to the other provinces at that time, viz., $50 per head. A calculation will show how that basis of $50 per head of the population of Prince Edward Island was arrived at. There was $30,000,000 authorized by statute for the construction of the Canadian Pacific Railway $20,000,000 for the construction of the Intercolonial Railway, about $15,000,000 of which had been expended, and a further sum of about $9,000,000 authorized for the construction and enlargement of the canals. That, added to the existing debt of the Dominion of Canada at the time Prince Edward Island came in, will be found to reach $50 per head of the population of Prince Edward Island. That being so, the province of Prince Edward Island was, under the terms of union, indemnified for the construction of those great works—the Canadian Pacific Railway and Intercolonial and other such works—they were indemnified under the terms of union for these expenditures as far as they had been authorized by parliament at the time of union. The position that we take in Prince Edward Island is that from that time in 1873 up to the present time, the parliament of Canada has authorized further very large expenditures on the Canadian Pacific Railway, on the Intercolonial Railway and on the canals, and in subsidizing and building other railways in other parts of the Dominion, and have incurred very large amounts of expenditure, and that Prince Edward Island, owing to its isolated position, cannot participate in the advantages resulting from that. That is the position we take.

Hon. Mr. MILLER—Do you really think that Prince Edward Island has not derived as much benefit from these large expenditures on public works as the Island of Cape Breton? There we never set up any argument of the kind.

Hon. Mr. FERGUSON—I am very much obliged to my hon. friend, he has just suggested to me a point that will elucidate better than anything else what I mean. The province of Nova Scotia, of which Cape Breton forms a part, entered confederation, so far as railways are concerned, on the same terms as Prince Edward Island. The railways which had been built by the province formed a part of the provincial debt at the time of confederation, and from that time forward Nova Scotia has participated in railway expenditure and the Island of Cape Breton has had a railway built through its entire length at a cost of somewhere about $3,750,000, which is charged to the Dominion of Canada. I have no fault to find with that. Nobody was better pleased than I was that the Cape Breton railway was built. The island was entitled to it, and it was in the general interest of Canada that the road should be constructed, but when you come to compare the position of Cape Breton with that of Prince Edward Island, you have this difference: the island of Prince Edward is charged with $3,250,000 as against its debt for the construction of its railway, while the Island of Cape Breton has the whole cost of its railway, $3,750,000, charged against the Dominion of Canada.

Hon. Mr. MILLER—But were we not before, and are we not now, in that Island of Cape Breton paying our share for the construction of the Intercolonial Railway and the Canadian Pacific Railway and for the canals and for all the great public works of which Prince Edward Island has received the advantage the same as any other portion of the Dominion?

Hon. Mr. FERGUSON—Certainly. My hon. friend must not misunderstand me. I am finding no fault with what has been done for the Island of Cape Breton, but while the

Island of Cape Breton has been contributing to the Intercolonial Railway, the Canadian Pacific Railway and the enlargement of the canals, it has received its railway also at the hands of Canada, and at the expense of the people of Canada.

Hon. Mr. MILLER—But although your railway was constructed before you came into confederation, were you not, in regard to that railway, in the same position in which Nova Scotia stood in regard to the railways which were constructed in that province before confederation—the railway to Pictou, for instance, and the railway to Annapolis?

Hon. Mr. FERGUSON—Precisely.

Hon. Mr. MILLER—Those railways were constructed by the provincial governments of both provinces and they formed the debt of those provinces. The railways were taken over at confederation, and the debts contracted for their construction, in Prince Edward Island as well as in Nova Scotia, were also taken over and assumed by the Dominion.

Hon. Mr. FERGUSON—The hon. gentleman is quite right, but he has not met my point at all. It is perfectly true that the debt incurred for the railways of the province of Nova Scotia—the Pictou branch and other railways which were entered on by the province of Nova Scotia before confederation—was charged against the province. That is perfectly true.

Hon. Mr. MILLER—And in your province also.

Hon. Mr. FERGUSON—In our province the entire cost of the railway was also. So far as that goes, the position of the two provinces was precisely the same, but the contention I am putting before the House is this, that after confederation Nova Scotia went on receiving large sums from the Dominion government, like all other provinces, except Prince Edward Island, for the construction of railways, and Prince Edward Island has not participated in these.

Hon. Mr. MILLER—The answer to that is that you had already more than your fair share and for which we had assumed the responsibility.

Hon. Mr. FERGUSON—We did not get that from Canada.

Hon. Mr. MILLER—Yes, you did; Canada paid for it.

Hon. Mr. FERGUSON—Not at all. It was charged against the province, and had we not had that railway under contract the amount it cost would have been paid to us in money, or interest on it would have been paid to us to equalize the debt of the Dominion of Canada. I imagine no public man would have hesitation or doubt as to whether the Prince Edward Island Railway was paid for by the province or by the Dominion. The leader of the opposition in this House, Sir Mackenzie Bowell, when negotiating with the colony of Newfoundland, had the contention set up by Newfoundland, that Prince Edward Island had received a railway built at the expense of Canada. My hon. friend very properly and clearly convinced them that such was not the case. The people of Prince Edward Island paid for their own railway, just as the people of Nova Scotia paid for the old Pictou branch and for other roads which they had entered upon before confederation. So far as that is concerned, there is no difference of statement between the hon. member from Richmond and myself. Up to the time of confederation, all was perfectly right; but from that time forward there is a balance growing against a small, isolated province, like Prince Edward Island, in which no railways whatever are constructed—that is the point I take—and that balance at the present time has got to be very considerable. I hope that the hon. members of this House and the government will look at the matter in a favourable light. I am not altogether satisfied with the statement made by my hon. friend, the leader of the government I should like that he had made a little more definite statement on the subject. However, as the government has only lately assumed power—and they cannot be expected to have all their measures under their hands at once—we will have to be satisfied for the present with the statement which the hon. member has made, but I wish to call the attention of the hon. gentleman to this fact—I want to emphasize it, that the whole matter that is asked for in the province of Prince Edward Island, although seven branches

are named sums amounting in the whole to a very small relative expenditure, and the expenditure of this million dollars on the construction of branches would put the Prince Edward Island Railway in touch with the seaports of the province. At present that is not the case. The railway, except at the terminal points, Alberton, Summerside, Georgetown, Charlottetown and Souris, runs through the centre of the island. If connection were given with the different ports on the coast by the branches asked for by the people of the province—short branches, some only three or four miles long, and only one of them of any considerable length—those roads would place the island railway in a position to compete with water communication for the trade of the valuable fisheries of the province and the trade of the seaports of P.E.I., which now go in sailing vessels, but which would then find its way to the railway, increasing very materially the traffic of the island and the Intercolonial Railway. One case will illustrate what I mean: one branch has been asked for from the town of Summerside to the shore of Richmond Bay. It is only about three or four miles long. It may seem to be almost a trivial undertaking, yet that branch would have this effect, it would bring the Prince Edward Island Railway to the north shore of the island, where the great oyster fisheries of the province are. Those fisheries are very valuable. At present the product of those fisheries is carted across the island at this narrow place and shipped at the port of Summerside. Thence they find their way to the eastern Canadian cities largely by water communication. If a small branch railway connected the Prince Edward Island Railway with the waters of Richmond Bay these oysters could, by means of through bills of lading find their way over the Intercolonial Railway, in place of going by water up the gulf. My belief, as is also the opinion of all who have studied this question, is that the construction of that three or four miles of railway would bring inevitably to the Intercolonial Railway almost the entire carrying of the Richmond Bay oyster trade, which forms three-fourths of the whole oyster trade of the island. I hope the leader of the House and his colleagues will give this matter their most favourable consideration, and that we will have the pleasure of hearing, when parliament next assembles, that they are prepared to bring in a measure to carry out the views of Prince Edward Island on this matter.

Hon. Mr. SCOTT—The hon. gentleman from Queen's has called attention to a speech that I made before the late elections in the city of Ottawa, in which I made a calculation as to the cost per head, I think he said, to the people of this city of the construction of the island railways then proposed by the late government. I have no recollection whatever of the fact, but I am quite sure that I never made the calculation which he has quoted, because it would be manifestly incorrect. I have no doubt whatever, that I did comment upon the impropriety of the late government, at the last session of parliament, with the elections coming on so soon afterwards, bringing down a proposition to construct seven different railways on the Island of Prince Edward. I have no doubt whatever that I criticized that and criticized it in a way that was not favourable to the claims of the people of Prince Edward Island to that extraordinary concession. It is possible that I made some calculations as to what it cost the ratepayers of the city of Ottawa, though I have no remembrance of that particular fact, but it was a natural thing for me to do, and I did think at the time it was a monstrous proposition, at that particular period, just before the elections, to propose to build seven different lines of railways. It is possible that I called attention to the fact that the main line of railway in Prince Edward Island had cost the people of this country over $80,000 a year above the revenue derived from it, for running expenses—it is probable I did. At the same time, I recognize that Prince Edward Island is entitled to some further railway concession, but certainly not to seven railways in the manner proposed by the late government without any kind of explanation for building branches from various points through sections of the country that, I was advised, could not only not sustain the roads, but could not furnish reasonable traffic to pay the running expenses. Of course, I may have been misinformed as to that, but considering that Canada has paid a considerable portion already of the cost of the main line, after the Mackenzie administration came into power——

Hon. Mr. FERGUSON—All charged to the province.

Hon. Mr. SCOTT—But it was three or four years after the province came in. Prince Edward Island came into the union in 1873. The Mackenzie administration was formed late in the fall of that year. If my memory serves me, very considerable sums were paid for the completion of that road in 1874, and I think in 1875.

Hon. Mr. FERGUSON—All charged to the province.

Hon. Mr. SCOTT—All I can say is that any fair and reasonable proposition to build a necessary line of railway in the province will be considered by the present administration, and will receive just as favourable consideration as a project in any other part of the Dominion. I had always felt, myself, that something was due to Prince Edward Island, for this particular reason, and I have mentioned it often on the floor of this chamber, that Prince Edward Island was probably harder hit than any other province of the Dominion by the policy of the late government. Practically when Prince Edward Island came into the Dominion they did not observe the treaty of 1818. The United States fishermen traded at their ports and bought their supplies from the towns in Prince Edward Island. All that, of course, was stopped when Prince Edward Island came into the union.

Hon. Mr. PROWSE—They destroyed our fishing.

Hon. Mr. SCOTT—Very likely, and no doubt their trade with the United States was very much cut off when they came into the union. I always felt a good deal of sympathy for Prince Edward Island under those conditions and was quite willing that more than ordinary justice should be rendered to the island in consequence.

Hon. Sir OLIVER MOWAT—My hon. friend I suppose will withdraw his motion now.

Hon. Mr. PROWSE—I beg to withdraw the motion.

The motion was withdrawn.

SUPREME COURT *AD HOC* JUDGES BILL.

SECOND READING.

Hon. Sir OLIVER MOWAT moved the second reading of Bill (F) "An Act to authorize the appointment of Judges of the Supreme Court *ad hoc* in certain cases."

He said :—On a former occasion I stated the object of this bill, and the neces ity for immediate action in the matter. The bill, as it stands now, provides for the addition of a temporary judge, or temporary judges, to the supreme court, where this is necessary in consequence of the illness of a judge, or in consequence of his being absent on leave. A case has already occurred of public inconvenience in consequence of the circumstances occurring to which this bill refers. In preparing the bill one question was whether the right should be given to the government of the day to appoint an *ad hoc* judge from the bar, or whether the selection should be confined to the bench. Of course, as long as this government is in office, we would exercise that power for the public good without any consideration, but we may not be here for ever; and this conservative and far-seeing House should provide for the long future. The bill, therefore, does not merely refer to this parliament, but is general, to apply as long as parliament sees no reason for making a change; and I think on the whole the public would be better satisfied, and probably the public would be better served in case this temporary judge who may be acting for a week or a month or occasionally, being in every instance one who already holds a judicial office. A very large proportion of the judges have been appointed by the late government, but I do not at all permit myself to be influenced by that circumstance. In proposing to give to the government of the day authority to appoint an *ad hoc* judge where needed to prevent the injustice of delays to suitors the authority is not so great as in appointing judges for life. There are a large number of very distinguished judges now on the bench of the Dominion in the various provinces. We shall not be able to select, perhaps, the judge we might desire, because we shall have to consider the work they have to do now. Some of our best judges, perhaps, cannot be spared from their present work That has to be taken into account, but, of

course, the best judge available will be selected for the purpose when one is wanted. The bill makes existing judges the class of persons from whom the selection must be made. The Supreme Court Act provides that two of the judges should always be from the province of Quebec. The reason of that, hon. gentlemen know, is that the system of law in Quebec differs very much from the system of law in the other provinces. The general system in all the other provinces is the same, and is founded on the English law, with such variations as have been introduced. But the Quebec civil law is not founded on the English law, and requires a special study. The Supreme Court Act provides that there shall always be two judges from Quebec, and we propose that that should apply in the case of these temporary judges too—that is, if the judge whose place has to be supplied is from Quebec, then the judge appointed in his place has also to be a judge from that province. As to the other provinces, there is in the Supreme Court Act no restriction, and it would embarrass us very much if we had to make any restriction. It is provided by the bill that any *ad hoc* judge shall be deemed to hold the same position as before in the court he was a judge of at the time of his appointment. His appointment as supreme court judge *ad hoc* will not put an end to the judgeship he held originally. His appointment will be simply giving him the power and duties of a supreme court judge for a short time, in addition to those of his own court. The other provisions of the bill do not seem to require any remark. At some future day we will examine the details of the bill in committee, and if any hon. gentleman has any improvement to suggest, I shall be glad to accept it.

Hon. Mr. MASSON—Does that refer to absence from the country?

Hon. Sir OLIVER MOWAT—I do not think it is confined to that. It is absence anywhere on leave.

Hon. Mr. MASSON—If it is out of the country, the judge cannot be out of the country except by leave.

Hon. Sir OLIVER MOWAT—He may be absent in the country without being absent on leave.

Hon. Mr. MASSON—He cannot be out of the country without being on leave.

Hon. Sir OLIVER MOWAT—Not for any length of time.

Hon. Mr. GOWAN—I wish to make a few observations which occur to me on a hasty reading of this bill only just now distributed. The reason, I suppose, the government has introduced this bill, is that they recognize the duty on their part of preventing delay in the administration of justice—a duty almost as imperative as to see that there is no denial of justice. That, I presume, is the reason of this bill, and upon that ground simply I think it should commend itself to our consideration. It is exceptional, however, in this, that it provides for the appointment of occasional *ad hoc* judges to a court of last resort. I am not aware of any such provision in the law of any country where a judge is appointed in that way to a court of last resort—the court of appeal of that country. No doubt, circumstances may justify it and it is the prime duty of every government to see that there is no delay. The number of *ad hoc* judges is I notice unlimited—it is one or more judges, and the government must have found sufficient justification for taking this very strong course of submitting to parliament a special measure for the appointment of judges *ad hoc*. I agree it would be desirable that the temporary judges should not be taken from the ranks of the profession, because we must maintain full confidence in administration. Although, I must say for my profession, that I believe that they would not be so far subject to be swayed by personal prejudices, as to cloud their judgment in particular cases, the mere professional instinct would be apt to keep them right. Still, if we would have full confidence in our courts of justice we should see that no occasion is given to suspect a sinister motive on the part of the judge. I am glad, therefore, that the bill does not propose to take the occasional judge from the ranks of the practising profession. I can see, however, a fair exception to such a rule of exclusion worthy of consideration, where men could be found who are not actually practising if learned and respected. But a judge taken from the regular judges of the country would not perhaps, be able to devote

the time that was necessary. I think the bill should give power to take the occasional judge from any of the courts in the provinces. There are judges who are not always occupied, and there would be few cases to dispose of, and I would like to see the provision extended, giving power to appoint from any tribunal of judges in the country, and I think many judges might be found in the county court, competent for the duty and who, I think, would be preferable to retired judges and decidedly preferable to judges taken from the ranks of the practising profession. I would emphatically object to taking judges from the ranks of the profession because I do not think the public would have confidence in such men, yet I do not believe people would be justified in want of confidence in these judges. Now, it is quite clear that this is an exceptional thing, but I presume it is warranted by the circumstances of the case. I would not for a moment object to the second reading of the bill, but we have heard nothing of the particular reasons that have moved the government to act now. If the court is not strong enough in number and in working power, it ought to be strengthened, and strengthened in the ordinary way, and we have heard nothing of the particular reasons which have induced the government to present this measure. There is another thing that I wish to draw my hon. friend's attention to. He proposes, apparently, to make this system of *ad hoc* judges part of the general law of the land. I most emphatically object to anything of the kind. I think it would be entirely without precedent. If the court is not strong enough let it be increased, but do not let us place permanently on the statute-book a provision of this kind. At present, as I feel I would be disposed at a later stage of the proceedings to move a clause giving a temporary effect to the bill. I think the bill carries an implication that the supreme court is incompetent to do the duty. It would be wrong to admit any such proposition as that. The bill is founded on the principle that it is the duty of the government to see that justice is not delayed. I am prepared to support the second reading, but I would ask my hon. friend to limit the number whom the government may select as temporary judges. I approve of the principle of the bill assuming that there is urgent necessity of which we have heard nothing, for the appointment, and I would ask my hon. friend to consider whether it is advisable to place this law in the statute-books, a law which implies that the existing tribunal is to remain chronically incompetent as to number, unable to deal with the questions coming before it. I think it presupposes that the present block whatever the cause, is permanent, or will be constantly recurring.

Hon. Mr. LOUGHEED—I point to my hon. friend a difficulty which may possibly arise in construing the language adopted as to the qualification of judges, as embodied in the first clause, and I submit to my hon. friend that a restrictive qualification is so embodied in that clause as to prevent any judge acting who is not a judge in one of the courts in Quebec. If my hon. friend will look at the language which is employed he will see there is imported into the qualification the qualification necessary of being a judge of the province of Quebec. Subsection three of section four reads as follows :

> Two at least of the judges of the court shall be appointed from among the judges of the Court of Queen's Bench or the Superior Court or the barristers or advocates of the province of Quebec.

After employing language in section one, as to the qualification, it states that that qualification shall be subject to some further qualification, namely, the qualification set out in the subsections to which I have alluded. It evidently was not the intention of the government that the qualification should be restricted in that way, but I would point out to my hon. friend that the language employed is subject to misconstruction. Now, this subsection three of section four has stated that the qualification of a judge should be of ten years' standing, and if the same language had been used in this bill we could easily perceive that the qualification of ten years' standing would be imported into the necessary qualification of an *ad hoc* judge. I submit the language should be made perfectly clear so that there could be no mistake.

Hon. Mr. MILLER—The remarks of the hon. gentleman from Calgary refer to the details of the bill which can be considered, perhaps, in committee more properly than on the second reading.

Hon. Mr. LOUGHEED—It does not refer to the details, for this reason, if it is intended to restrict this bill to judges in Quebec, it goes to the principle of the bill.

Hon. Mr. MILLER—I meant to say that in case the bill gets to committee, the exceptions of my hon. friend will be, perhaps, more in order than at the present time. Is the House prepared to affirm the principle of the bill? That, I think, is the first thing we have to consider with reference to this measure. Now, I must say, for my part, I do not think the principle, or rather the expedient of *ad hoc* judges in connection with any court, is a very desirable one, and we all agree it should be resorted to only in emergencies. If it is undesirable in relation to the ordinary tribunals of the country, I think it is much more strongly so in relation to our highest court of appeal or rather the court of last resort in the Dominion. I think before we establish this principle of *ad hoc* appointments in relation to that court, we ought to be sure that it is absolutely indispensible in connection with the efficient administration of justice in this country, that the highest court should at any time be liable to be controlled by temporary or *ad hoc* appointments, because the bill does not at all limit the number who may be appointed under its provisions.

Hon. Sir OLIVER MOWAT—Two cannot be appointed if only one is absent.

Hon. Mr. MILLER—But there is nothing to prevent half the judges being absent. There are two absent now, and there may be three or four ill or absent at the same time. I look upon the bill with no favour. I must say I look upon it with disfavour, and I would almost go as far as to say that the administration of justice in reference to that court might be interfered with to some extent, or interrupted to some extent temporarily sooner than apply an expedient of this kind to it. As has just been remarked by the hon. member from Barrie we have heard no reasons to justify the bill. The hon. Minister of Justice has not taken the trouble to inform the House what are the circumstances which justify the passage of such a bill, because every member will admit it should be called for by some emergency. I understand one member of the supreme court has received leave of absence and is now in Europe, and is too unwell to return. Well, during the absence of that learned judge I am told that leave has been given to another. Why was this done? I do not know whether it was done by the late government or this government, but, I do not think any government justifiable in allowing the quorum of that court to be impaired by giving leave of absence to another judge for six or nine months as reported in the press. I do not think it was a justifiable thing to do, and the consequence will be, if this bill is not passed, that one of the terms of the court cannot be held. I am not sure it would not be better for the country to submit to this inconvenience rather than to introduce this principle in relation to the highest court in the land. There are circumstances at the present time—and I throw out my remarks impartially and judicially, because I do not wish to impute blame or wrong-doing to any one in this matter, but, under existing circumstances, when this court may be the last court of appeal in connection with 20 or 30 election contests, we must all agree that to have an *ad hoc* appointment of judges to decide these cases would not be proper. I think, therefore, that it might be as well not to pass such a law as this at all at the present time, unless all objections and possible abuses are well guarded against in committee.

Hon. Sir OLIVER MOWAT—I think these temporary judges should not be called upon to act in election cases. If I had thought of that I would have put in a clause about it.

Hon. Mr. MILLER—I am glad to hear the hon. gentleman say that.

Hon. Sir MACKENZIE BOWELL—What would you do if there was no quorum?

Hon. Sir OLIVER MOWAT—Let matters remain until there was a quorum.

Hon. Sir MACKENZIE BOWELL—Then a man might have a seat in parliament to which he was not entitled?

Hon. Mr. MILLER—The getting a quorum without the *ad hoc* judges, if two judges are absent, would be impossible. I

do not intend to make any further remarks on the bill, but I wish to state my non-concurrence in the expediency of the measure, and this is the proper time to do it. I do not intend to move against the bill, but if a vote is taken I shall certainly vote against the second reading unless we receive satisfactory assurances on these points. I think the country would be better without the sitting of the court for a whole six months than to introduce the principle with relation to this tribunal. That is my sincere conviction, actuated as I am with a desire to see that court maintain the position it ought to occupy in the estimation of the country. I wish to see it standing strong in the confidence and respect of the country, and I do not desire that anything should be done that would leave it or any of its members open to the charge of partiality or favouritism, or being actuated by improper motives, either in consequence of their promotion for the time being or looking forward to reward for services rendered, as might be the case in regard to temporary appointments. We had an unfortunate precedent with regard to *ad hoc* judges in the time of the government of the late Mr. Mackenzie—a very unfortunate experience, as we know in Nova Scotia. Judges were appointed *ad hoc* to try election cases, and whether rightly or wrongly, they certainly did not get clear of charges of acting in the most partisan manner. Whether these charges were rightly or wrongly made against men occupying judicial positions or not, I will not say, but we should not put men on the bench who will be open to insinuations of that kind, for it would affect the character of the whole bench, more or less, and therefore I think we might perhaps get along very well without a session at all of the supreme court for one term rather than attempt to make up a quorum by the appointment of *ad hoc* judges. Whoever is responsible for allowing Judge Taschereau to go away while Judge Gwynne was absent made a mistake. I am very reluctant to oppose the first measure that the hon. Minister of Justice has brought to this House, especially after the good opinion he has expressed of us in his maiden speech here. I should be very sorry to make any improper opposition to his views, but conscientiously entertaining the views that I do, I shall act upon them.

Hon. Mr. KIRCHHOFFER.—I think one of the most objectionable features of this bill is the almost illimitable vista it opens up of the appointment of judges to the supreme court of the Dominion in an irresponsible way. For instance, while the bill speaks of the absence of any judge, it does not limit it to any one or any two judges, or any number at all. The hon. member from Richmond has pointed out that at the present time there is one judge absent in the old country and unable to return on account of sickness, and has stated also that another judge has obtained leave of absence. Where is this to stop? Is there any limit? Supposing another judge was to apply for leave of absence and get it, then there would be three vacancies and there might even in an extreme cases be four *ad hoc* judges appointed, and the end would be we might have an entire change in the personnel of the supreme court, and that court might be filled with judges from other courts, some of whom might not be, in the estimation of the leader of the government, at all qualified for the position. I think it would be most mischievous, because there seems to be no limit to the power conferred on the government. It does not state here in any way how the emoluments of those judges are to be provided. For instance, does the *ad hoc* judge get the salary of the absent judge, or is there to be a special provision made for the payment of these *ad hoc* judges? There might be three or four judges absent, and three or four *ad hoc* judges would then have to be provided for. The bill is objectionable and I concur in the views expressed by the hon. member from Richmond.

Hon. Mr. SCOTT—I think the hon. member from Brandon has rather exaggerated dangers that may arise under this bill. The first point raised by my hon. friend from Barrie is as to the necessity for this measure. That is made manifest by the explanation already given by my hon. friend from Richmond, that there are two judges absent. Both of those judges are absent on sick leave. Judge Taschereau applied for leave on the ground that he was quite unable to discharge his duties. He has suffered a severe bereavement in the death of his wife, and he stated that his nervous system was very much affected, and he

was quite unable to sit at the following court, and on that ground he applied for leave of absence. My hon. friend the leader of the House says that he put it on the ground that his health was not such as would justify him sitting on the court. Under the circumstances the emergency had to be met. There was no other way of meeting it except by the bill submitted to the House, as the constitution of the court requires there must be at least four judges to form a quorum. Then as to the objection of selecting judges, my hon. friend will remember that the supreme court is practically made up of gentlemen who have been judges, who are taken from other courts and not from the bar, and the *ad hoc* judge would be taken just from the same source that the judge would probably be taken if a vacancy arose. Under the Supreme Court Act a member of the bar might be taken.

Hon. Mr. LOUGHEED—One-third of them have been taken from the bar.

Hon. Mr. SCOTT—Judge Taschereau, Judge Gwynne, Judge King and Judge Strong were taken from the bench, so that all but two out of the whole number are taken from the bench, so that the objection raised by the hon. member from Brandon is not a tenable one. Hon. gentlemen will remember under the constitution of that court we have no way of removing a judge. A judge will not retire except on his own mere motion. Judges have refused to retire because, as they alleged if they have served a given number of years they think they ought to retire on the full salary allotted to them. If the law were changed probably we would not be met with that difficulty, but hon. gentlemen who are familiar with the past history of that court will no doubt remember that incidents of that kind have occurred in the past, where a judge continued to be unable to serve in the court and yet declined to resign. There is no way except by giving the government power. I think the dangers that some hon. gentlemen apprehend of passing this bill do not exist and that it would be a very serious matter to practically annihilate the court for a given term. There are many cases waiting the hearing of the court, and it would be a serious matter for suitors to have their cases delayed for six months and perhaps longer. Therefore, the objections to the presence of an *ad hoc* judge are not really very strong.

Hon. Mr. POWER—I see the force of the objections which have been made to this bill. The object of the government is, as the hon. Secretary of State has said, to prevent an untoward delay of justice in a great many important cases which are now on for hearing at its next term; but it seems to me that it is not necessary to pass a measure of as comprehensive a character as this for the purpose of getting over that difficulty. If the operation of this measure were limited, either as to time or as to the number of appointments the objections which have been expressed here would not be entertained—not to the same degree. The hon. gentleman from Ottawa threw out a suggestion which deserves the earnest consideration of the government. It is to be regretted that some measure of that kind had not been introduced long ago and applied to all courts. We know that in England, and in this country too, there is such a thing as compulsory retirement of civil servants on attaining a certain age. Of course, you could not apply that law of compulsory retirement to judges in the form in which it now exists as to civil servants; but it has seemed to me for a long time that there should be a statutory provision that, when a judge attains a certain age—fix the limit as high as reason will allow—say seventy-five years—*ipso facto* his place on the bench becomes vacant. I cannot sympathize with the hon. gentleman who says that a judge should, when he retires after having served a certain number of years, be paid his full salary.

Hon. Mr. GOWAN—Some of the judges on the English bench—in fact, some of the best judges on the English bench have attained a greater age than my hon. friend would fix as the limit.

Hon. Mr. POWER—With all deference to my hon. friend from Barrie, I do not think that is an accurate statement. There is one judge on the bench in England, the Master of the Rolls, who I think is over eighty years of age. In speaking recently with someone who is familiar with the business before the courts in England, I was informed that Lord Esher had recently begun to show signs of advancing age. It is perfectly true that you may see an exceptional case, like that of Mr. Gladstone, who at the

age of eighty-six manifests more vigour than most men do at seventy, but the rules of the civil service are based, not on exceptional circumstances, but on what experience has shown to be the general rule; and although there may be one judge in fifty who is nearly as good a judge after seventy-five as before, that is by no means the general rule. I simply mention the age of seventy-five as being, in my humble judgment, the extreme limit to which a judge ought to be allowed to remain on the bench. If that rule were in operation, at least one of the judges of the supreme court would have been obliged to retire some time ago, and I am disposed to think two would have been retired before now, and there would not be any necessity for appointing *ad hoc* judges. The expression of opinion from leading members of the House has indicated some doubt as to whether this bill will pass in its present form, and it occurs to me that perhaps the Minister of Justice might, looking at that fact, consider whether it would not be better to give this bill a mere temporary operation, and consider, before another session, whether some other line might not be taken. The hon. gentleman from Richmond made some reference to the *ad hoc* judges appointed in Nova Scotia to try election petitions. Those observations rather emphasize the objections to making provisions of this sort. I remember those *ad hoc* judges in Nova Scotia very well. I do not think the law laid down by those *ad hoc* judges was shown to be unsound; but the mere fact that they were *ad hoc* judges, appointed by the government of the day to try those election petitions, cast in the minds of persons whose politics were different from those of the government, suspicion upon the decisions and opinions of those judges, and I think that the court ought to be like Cæsar's wife.

Hon. Sir MACKENZIE BOWELL—Were not some of the judgments given by some of those *ad hoc* judges in Nova Scotia set aside by the supreme court afterwards? My recollection is that they were.

Hon. Mr. POWER—I do not think they were. The point I am taking is this, that those judges should be altogether above suspicion. The hon. gentleman from Richmond remarked with respect to something which fell from the hon. gentleman from Calgary, that it was a matter of detail. That is perfectly true; and we are supposed to discuss only the principle of a bill at the second reading, but there is a certain convenience in indicating the objections to a measure at the second reading, because it gives the minister who has charge of the bill an opportunity to consider those objections before the House goes into committee; and I think, particularly in the case of a bill of this sort, that the rule ought not to be applied too stringently with regard to discussing only the principle. I may be allowed to call attention to one or two details in the first clause of the bill. In the first place, the language at the opening of the clause is very general in its character. It does not say that only a sufficient number of judges shall be appointed; there may be, as the hon. gentleman from Richmond stated, three vacancies. Then, the Governor in Council may appoint any person who is, or has been, a judge of any court. I think that the appointing of gentlemen who have retired from the bench is a mistake. As a rule, gentlemen in this country do not retire from the bench until they have attained at least the three score years and ten allotted to mankind; unless they retire from ill health. I do not think it is wise to allow the government to call in gentlemen who have retired from the bench. There is some question as to the wisdom of that. Then the paragraph says "the judge of any court." The Supreme Court Act provides that the judges of that court shall be appointed, not from any court, but from one of the superior courts of the country. Under the provisions of this clause the government might appoint a county court judge to sit in the court and hear appeals from the Court of Appeals of Ontario. I make these references to the details of this clause in order that when the hon. Minister of Justice comes to consider the matter, before submitting the bill to a committee of the whole, necessary amendments may be made. It is only by discussions such as we are having now that the defects in any proposed measure can be ascertained. I quite concur with the government in thinking that it is desirable that the very important business which is to be dealt with by the supreme court at its next term should not be deferred nor the parties interested deprived of their rights for any length of time. If the bill were made a merely temporary measure and limited in

other directions in the way which has been indicated, the House would probably have no objection to pass it.

Hon. Mr. GOWAN—Does the Minister of Justice happen to know how many cases are now pending ripe for judgment?

Hon. Sir OLIVER MOWAT—Four.

Hon. Mr. MILLER—How would it do to let the second reading stand until to-morrow, when the Minister of Justice can consider whether he will be wi ling to accept the bill as a temporary measure and as to the number of *ad hoc* judges?

Hon. Mr. SCOTT—We had better consider that in committee, and pass the second reading now.

Hon. Sir MACKENZIE BOWELL—I recognize what might be considered presumption in me, a layman, asking any question with reference to the appointment of judges, but I should like to ask the Minister of Justice what would be the position of a judge appointed *ad hoc* to sit upon a case upon which he had already given a decision?

Hon. Mr. SCOTT—He could not sit.

Hon. Sir MACKENZIE BOWELL—We know that cases which come before the supreme court are those on appeal, and it is just possible the judge appointed might have given a judgment in a case which would go to appeal, and if either of the parties interested in the suit knew that this *ad hoc* judge had given a decision upon any question, might it not be an incentive to appeal when otherwise he would not appeal? Of course I am not aware of the practice of the court in cases of this kind. The answer might be that in the appointment of a new judge to the supreme court he might be in precisely the same position in cases coming before him. If my recollection serves me rightly, judges under such circumstances have refused to act, hence if you appoint an *ad hoc* judge for the purpose of completing a quorum of the court and a case of that kind comes before the court then the quorum would not be complete; would another judge have to be appointed to take his place, or would you have to allow that particular case to stand over until another sitting of the court? That is one of the difficulties that presents itself to me in connection with this bill. I may say, as a layman, that the remarks made by the hon. member from Richmond have completely convinced me, unless it is absolutely necessary, of the impropriety of passing a bill of this kind, but if it is passed, it should be upon the suggestion made first by the hon. gentleman from Barrie, that it should be of a temporary character only. I know a great difficulty presented itself to the late government in connection with the supreme court, and it is just as well that in dealing with a question of such vast importance we should speak openly and frankly. There are judges, estimable men, men whose reputation is beyond cavil and against whom not a word could be said, who, when the question has arisen as to a retiring allowance, have declined to retire from the bench, simply because the retiring allowance is not sufficiently large, although unquestionably they were incapable of properly discharging the duties of their position. The suggestion made by some hon. gentlemen who have preceded me was that they should retire upon a full allowance. In order to make the court what it should be, as the highest court in the Dominion, even that would be a step in the right direction, but I might say, in addition to what I have already stated that I think the time has come when, in a Dominion of the magnitude of Canada, we should be prepared, in the selection of our judges, to make their remuneration commensurate with the importance of the position they hold. When I look at the salaries that are paid in smaller colonies of Great Britain and then compare them with the amounts that are paid to our supreme court judges, we can no longer wonder that a man occupying a prominent position at the bar to-day, with the emoluments that follow a large and successful practice, should refuse to give up that practice and take a seat upon the bench, when probably the salary offered is about a fourth or a fifth of what is earned in his profession. It is only when such men attain to an age that they no longer feel equal to perform the laborious work pertaining to their profession, or have become sufficiently wealthy to enable them to retire from the bar that they accept a judgeship. As a member of a government, I have had some little experience in trying to make selections from

among the most prominent men in Canada to occupy the important position of judge of the supreme court. They laughed when it was proposed that they should give up $15,000 to $20,000 and sometimes $25,000 a year, for the sake of a salary of $7,000 a year. We have to consider this matter, if the court is to be continued, in a liberal spirit. Take the little colony of Queensland, not half the size of ours: the chief justice of that court receives $17,500 per annum. He refused to take the position unless they paid that sum, and they do pay it. They took the most prominent man at the bar in the colony, and he accepted the position on those terms. Until we adopt some such system as that, we will not get the best men to accept positions on the supreme court bench and the sooner we recognize that fact the better it will be for the country. It is a lamentable thing when we consider that men are on the bench who should retire and who are willing to retire, but feel that in the interests of their families, though they are not in a position to do their duties, they must decline to retire from the bench. We must either adopt the plan suggested by the senior member for Halifax, or allow them to retire on the full amount of their salaries, or apply the same principles partially that is applied to county court judges, that is, when a man becomes unfit for his duties a commission is appointed to ascertain the facts and deal with the case. I do not think that would be satisfactory or advisable in connection with the higher courts, but we may just as well state the facts frankly, before the supreme court of the Dominion becomes a by-word in the mouths not only of the profession but of the people in general.

Hon. Sir OLIVER MOWAT—I should like to make a few observations with reference to what has fallen from some hon. members who have spoken upon this bill. With regard to the suggestion made at the conclusion of the speech of my hon. friend opposite as to the method of getting rid of a judge who, by old age, or any other cause, becomes incompetent for his duty, my hon. friend is under a misapprehension about the method of getting rid of a county court judge in such cases. There is no law providing for a commission in such case more than in the case of any other judge. I do not remember a commission in more than one case, and it was a special case which probably would not apply to any other that may ever occur. But, though the law did not provide for a commission as a means of getting rid of a judge, although there was no statute about it, still that course was taken. It is unsuited for the higher courts, and it is unsuited for the lower courts as well. It is extremely desirable that we should find some way of retiring a judge when public sentiment indicates that the time has come for his retirement, whether the means should be the means my hon. friend suggests or any other. With regard to this bill, the government consider that in principle it is absolutely necessary that we should have such a bill, that the interests of justice absolutely require it. With regard to the observations of my hon. friend near me, I quite differ from him as to its being thought for a moment that where there are judges absent under the circumstances provided by the bill, it would be better that we should have no court sitting rather than pass a bill of this kind. One cannot speak too strongly of the evil that is involved in the delay of justice. It is said truly that delay of justice is as bad as injustice, and very frequently that is the actual experience of the result of delay. One cannot estimate too highly the evil of delay, or the importance of the promptest possible disposition of all litigated matters. It has been my habit, in the position that I held before, to act upon that principle; and various legislation, from time to time, was passed with that view, and I hope the same view will be taken by parliament as well. No bill can be introduced but possible evils may be suggested as flowing from it. You cannot provide against all these. I have no doubt no evil would arise of the kind apprehended by my hon. friend if this bill should pass in its present form. But I am not going to insist upon the bill passing in its present form. If a suggestion is made which I do not think improves the bill, still, if it would do no harm, I shall be inclined to accept it, in order to make the bill acceptable to hon. gentlemen generally. You cannot possibly provide for every contingency which the imagination may suggest, and I think the only one I feel specially the force of is that an *ad hoc* judge should not try election cases—though he has to try those cases in the provinces. The men who would be selected for a supreme court case from the provincial bench have jurisdiction now to try election cases. We

should not be giving them a new kind of jurisdiction. A provincial judge has now jurisdiction where he is more apt to be misled, if he has any party feeling at all, than in the position of judge of the supreme court. Although that is the case, the government does not desire to have the power of placing on the bench in election cases any judge who may be suspected of being more favourable than another, and I will prepare an amendment with regard to that. Then it is said that I have not stated a sufficient case for a bill of this kind. I really thought—although I may be wrong in this—that it was notorious that some provision had to be made, and that it was not necessary for me to enlarge on it, but I did say something when I introduced the matter some days ago. I mentioned that one judge was absent on leave, and another judge had lately been reported to the government as so unwell as to be unable to discharge his duty; that if he did not get leave he might stay here, but that so staying here he would not be able to discharge his duty, while if he got leave of absence it would give him a chance of recovering which he otherwise would not have. He has not leave for any particular time, because if no provision is made for a temporary judge he must come back, well or ill, and he must take his place on the bench even though he cannot perform his duties; but I did not think there was any chance of parliament putting him in that position. I have been speaking of present emergencies and present reasons for the bill. There happens to be a combination of them just now. But they may occur at any time, and that is the reason I made the bill general. I should be glad if it would pass without any limit as to time, but what I am particularly anxious about is the emergency which now exists. I think it is pretty well known that the late government appointed a judge of the supreme court as an arbitrator in the Behring Sea matter, and that involves another vacancy which will interfere with business here for some months. Now, if this House is so very much frightened at the possibility of there being more than one *ad hoc* judge, I must take such a bill as they are willing I should have. For myself I think there will be no necessity for limiting us in that way. Just now it would interfere very much with the usefulness of the bill if we were limited to one temporary judge, and therefore I should be extremely sorry if the bill was shorn of the benefit we might derive from it, by a restriction of that kind. It will be remembered that the rule now is that five judges are necessary to constitute a quorum, but in a late statute—the latest I think that has been passed upon this subject—it is provided that four may constitute a quorum, provided that the parties are willing to argue the appeal before four judges. But I am informed on the highest authority that when it has been suggested to counsel to argue their case before four judges, they have refused to do so and have preferred to have their case stand over till the next term rather than argue it before four judges. Another suggestion is that we ought not to give power to appoint a county court judge to this high position. If the House insists upon that restriction, I must accept it, but I think there is no occasion for a restriction of that kind. This House knows that one of the ablest lawyers in the Dominion was a county court judge. My hon. friend from Barrie, who has spoken upon this bill, would have been fitted for any bench and I see no reason why one in his position should be excluded from an honour and duty of this kind if the government chose to call upon him for that purpose; and he is not the only county court judge at this moment who would be quite equal to the duties of a superior court judge. I hesitated a little in drawing the bill whether I should make it so large in its terms as it stands in that respect, but, when I considered the case of my hon. friend who has been so useful in the House and is an honour to it, and when I called to mind other county court judges known to me, I thought I should not by the statute declare that all county court judges were unfit for a temporary place on the supreme court bench. I might refer to another instance. The late Judge Burns, for instance, one of our ablest superior court judges was a county court judge before he was a superior court judge; Mr. Justice Jonas Jones was also a county court judge before he was a queen's bench judge. In naming him I am referring to an early period in my professional life.

Hon. Mr. POWER—He had the honour of being in the Legislative Council.

Hon. Sir OLIVER MOWAT—I think he was Speaker for a short time, but I do

not think he was a member of the House except during the time he was Speaker; but, at the same time, I admit it is a great advantage being a member of this House. I I do not see that any object would be gained by postponing the bill. I think the interest of suitors requires the bill and I would be prepared to submit it to a committee to-morrow. I should, meanwhile have an opportunity of considering the matter, and would put in form all the amendments which I think would not wholly spoil the bill.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has not given us any opinion as to whether it should be temporary or permanent in its character.

Hon. Sir OLIVER MOWAT— I said that what has occurred now may occur at any time, and that there is no serious danger in a bill of this kind more than there is in any other bill which gives power to the government to-day. It is not so serious as the power to appoint life judges. There is no comparison between the two cases and if it is a safe thing to give to the government of the day the power of appointing life judges, it cannot be a dangerous thing to give them the power of appointing from the bench itself a judge to take the place necessary to be filled for a month, or for a short term in the supreme court. Therefore, I think it would be a mistake to limit this power in point of time; but if others differ from me, if they do not take my view, if they do not act on my advice in this matter, we can add a clause to the bill saying it will only be in force for whatever period the House insists upon. But I think it would be a mistake to adopt any limitation of that kind. There is no necessity for it, and if the measure should, contrary to all expectation on my part—a deliberate expectation formed after consideration—turn out to be objectionable in any way, it can be repealed at any time. It is not permanent in the sense that it is beyond our power to repeal it. It is only permanent in this sense, that we should not be called upon to repeat it from year to year.

Hon. Mr. ALLAN—As a layman, I should hesitate to take the responsibility of opposing a bill declared by the Minister of Justice to be in the interest of justice and of suitors, but if he insists on having the second reading of the bill at once, I hope he will give us a longer time to consider it before we go into committee of the whole. There are laymen in this House who do not understand it sufficiently, and we would like an opportunity of consulting with those whose opinions we know to be of value in the profession, and we would like to be armed with those opinions before we put the bill through the third reading.

The motion was agreed to, and the bill was read the second time.

Hon. Sir OLIVER MOWAT moved that the bill be referred to a committee of the whole on Friday next. He said: The hon. members of this House who are residents of Quebec know that a similar law exists there with reference to their superior court, and that this bill is drawn very much on the lines of the Quebec law. I do not think it will be found that any evil has arisen there, and the law gives a much more extensive power in Quebec. If that power can safely be entrusted to one of the provincial governments, it can safely be entrusted to the government of the Dominion, and I know that the propriety of adopting some such provision in Ontario as has been adopted in Quebec has been under consideration by those in authority in Ontario.

The motion was agreed to.

BUILDING SOCIETIES AND LOAN COMPANIES' BILL.

THIRD READING.

The House resolved itself into a committee of the whole on Bill (B) "An Act further to amend the law respecting Building Societies and Loan and Savings Companies carrying on business in the Province of Ontario."

(In the committee.)

Hon. Sir OLIVER MOWAT—Since the second reading of this bill, I have been making further inquiries about it, and I am told that while some companies are in favour of the bill, there are other companies which are opposed to it. I understood from my hon. friend that the bill was desired by all

the companies it would affect. I am told it was not desired by all of them, and I should earnestly urge that an opportunity should be given to the companies affected by it to state their objections to the bill. If we go on now we have not that opportunity. I am sure my hon. friend does not desire it should go through without ascertaining what those who object to it may have to say. We should have time for that purpose. If there are objections by some of the companies whom it will affect, I suppose we would refer it to a special committee to hear what they have to say and to see what the grounds of their objections are.

Hon. Mr. AIKINS—This is not a new bill. It was before the House last year and was passed. It was referred to the Banking Committee and considered there and passed. I am not aware of any company who objected to it. It is asked by all the large known companies in Toronto, and the smaller ones it does not affect. I should like to hear what company objects to it.

Hon. Sir OLIVER MOWAT—I made my statement on the authority of one who ought to be familiar with such matters, but he did not mention the company.

Hon. Mr. AIKINS—I am prepared to state that I am not aware of any company being opposed to this bill, and I have been in communication with all the large companies. It does not apply at all to the small companies.

Hon. Sir OLIVER MOWAT—It seems to be general.

Hon. Mr. AIKINS—It only applies to small companies so far as the voting is concerned, with regard to the loaning and the qualification of directors. The provisions of the bill are so simple and reasonable that I do not think any company could object to it properly, and I am quite sure no company does object to it.

Hon. Mr. CLEMOW—I know a company did object to it last year—to that clause by which they were prohibited from loaning upon their own security.

Hon. Sir MACKENZIE BOWELL—That is provided for in the bill.

Hon. Mr. CLEMOW—The bill was objected to and was amended to meet the views of all the companies.

Hon. Sir MACKENZIE BOWELL—It gives power to the companies to pass by-laws regulating the amount to be loaned on their stock, because where the power has been too extensive, they have been allowed to loan upon their stock to such an extent that the companies have become bankrupt. I strongly favoured the bill, as it was introduced by the hon. gentleman last year, to prevent the loaning of money belonging to the company upon any stock, and restricting the directors to the legitimate purposes for which they were appointed. You might, as a director, take advantage of the position you hold and borrow largely and improperly upon your stock and upon real estate, and thereby render the company bankrupt. We have cases of that kind all through Ontario.

Hon. Mr. POWER—This bill only affects Ontario, and I am not particularly concerned in it. An amendment was made by the Committee on Banking and Commerce last year which allowed the loaning to shareholders on their own stock, but the only building society which we have in Nova Scotia which has its principal office in Nova Scotia, is one which lends just on the stock of the shareholders. The borrowers become shareholders and under this bill, as it was introduced first, if it extended to Nova Scotia it would simply put an end to the operation of that society; but, under the first clause of this bill, it has to be left optional with the directors or the shareholders whether they shall lend on their own stock or not, and, inasmuch as it does not extend to the lower provinces, we are not concerned.

Hon. Mr. AIKINS—The Huron and Erie Loan Company, one of our most successful loan companies, with headquarters in London, got a special Act last year assented to by both branches of parliament and they made that a specialty in their Act, for the reason that when they go home to borrow money it is certain that the companies that loan on their own stock cannot give the same security as companies that do not, and hence they tied themselves up by their own act. Now, the other companies desire to have a clause put through whereby they

may, by by-law which when passed becomes irrevocable—place themselves in the same position.

Hon. Sir OLIVER MOWAT—What is the reason for confining it to Ontario? It should apply to all the provinces. I could not say for the moment whether we could pass a bill affecting only one province.

Hon. Mr. AIKINS—The building societies Acts with which we are dealing apply only to Ontario.

Hon. Sir OLIVER MOWAT—Is that an Act of the Dominion parliament?

Hon. Mr. AIKINS—Yes.

Hon. Mr. McCLELAN, from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, 17th Sept., 1896.

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

The House adjourned during pleasure.

BILL ASSENTED TO.

After some time the House was resumed.

The Hon. Sir Henry Strong, Knight, Chief Justice of the Supreme Court of Canada, Deputy Governor, being seated at the foot of the Throne.

The Hon. the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House: "It is the Deputy Governor's desire that they attend him immediately in this House."

Who being come with their Speaker,

The Hon. the Speaker of the House of Commons addressed His Honour the Deputy Governor as follows:—

MAY IT PLEASE YOUR HONOUR:—

The Commons of Canada have voted the supplies required to enable the government to defray certain expenses of the public service.

In the name of the Commons I present to your Honour the following bill:—

An Act for granting to Her Majesty the sum of $446,500 required for defraying certain expenses in connection with the annual drill of the militia during the financial year ending the 30th June, 1897, to which I request your Honour's assent.

Then the Clerk of the Crown in Chancery read the title of the said bill.

To this bill the clerk of the House, by his Honour's command, did thereupon say:—

In Her Majesty's name, His Honour, the Deputy of His Excellency the Governor General, thanks Her loyal subjects, accepts their benevolence, and assents to this bill.

The Deputy Governor was pleased to retire, and the House of Commons withdrew.

DELAYED RETURNS.

INQUIRIES.

Hon. Sir OLIVER MOWAT moved the adjournment of the House.

Hon. Sir MACKENZIE BOWELL—Before the motion is put, I should like to ask the leader of the government when I may expect that return which I moved for on the 3rd day of this month in reference to Mr. Payne's examination.

Hon. Mr. SCOTT—The report was handed to me to present to the House, but the Clerk of the Privy Council said he had found some additional papers. I can present those papers which are here, but I thought it better to hold them till I received the remainder.

Hon. Sir MACKENZIE BOWELL—I would prefer that you retain them until you have all the papers.

Hon. Mr. FERGUSON—May I inquire of the hon. leader when we may expect to have the return, moved for by myself on the 3rd day of this month, laid before the House, with regard to the dismissal of the fishery officials and railway officials in Prince Edward Island?

Hon. Mr. SCOTT—I will make inquiry at once and inform the hon. gentleman to-morrow. It is quite likely that it can be brought down at once.

The motion was agreed to and the Senate adjourned.

THE SENATE.

Ottawa, Friday, 18th September, 1896.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

RAILWAY ACT AMENDMENT BILL.

IN COMMITTEE.

Hon. Mr. McCALLUM moved that the House resolve itself into a committee of the whole on Bill (A) "An Act to amend the Railway Act."

Hon. Sir OLIVER MOWAT—I have bestowed as much time on this as I possibly could since it was last before the House, but I cannot say that I have completed the amendments which I should like made to the bill. I also got the Law Clerk to put in form what might answer. He has done so partially, but has not yet completed the work. I am sorry to suggest delay, and yet I cannot say that I have got the matter into just such a condition that I would advise the House to adopt what has been prepared. I may say, with a view to helping my hon. friend to take the best course; that this matter has been dealt with by the legislature of Ontario so far as it relates to Ontario railways—railways which are in no sense Dominion railways, and which the Dominion has not adopted as Dominion railways. The matter has been brought from time to time before the Ontario legislature, and that body has legislated on the subject. This present bill is drawn without reference to what has been done in Ontario. My own impression is that the provisions of the Ontario law are better than those in this bill for the purposes which we have in common. I will just mention, for the information of my hon. friend and the Senate, what was done in Ontario, and so far as I know, the railway companies were not dissatisfied, nor were those dissatisfied who were specially interested in the protection of the municipalities and private owners. The statute dealing first with this subject in Ontario is 53 Victoria, chap. 69. That statute was slightly amended afterwards, but the main provisions are still the same. The course which was thought desirable then, and which the legislature adopted and which has been in force for six years, was this:—In the first place an engineer is to be employed by the municipality to examine and report on what is necessary to be done. Then he is to file the report with a plan or profile of the work, drain, or water-course and also a plot or profile of the enlargement of any bridge or culvert in order to show the exact depth and so on. This report he is to file within a specified time. Then the clerk of the municipality is to send to the manager of the railway company a copy of the plan or profile and a statement of the estimated cost. The railway company, in fifteen days after receiving the report, is to forward to the clerk of the municipality a notice stating whether he approves or disapproves of it, and if he approves of it, there is no further difficulty; if he objects to it, he is required to state his objections and to name a day on which the railway company's engineer would meet the engineer of the municipality in order to discuss the matter. It was thought that, generally, the two engineers would probably come to the same conclusion when they meet, and that no further trouble would arise, but if they do not come to the same conclusion, if there should be some irreconcilable difference between them, the matter in dispute is then referred to the decision of an engineer to be appointed by the Commissioner of Public Works of Ontario. Practically, we have no railway board there, and the jurisdiction which, in Dominion matters, belongs to the Railway Committee of the Privy Council is generally, if not always, exercised in Ontario by the Commissioner of Public Works. The matter would then, in case of that difference, be referred in Ontario to the decision of an engineer to be appointed by the Commissioner of Public Works, whose report was to be final. The present bill, as it stands now, proposes that the appeal, where the parties

differ in matters not affecting merely the cost in money, should be to the Board of the Privy Council; and that I suppose would be proper.

Hon. Mr. McCALLUM—The bill I have here is very much the same as the Act the hon. gentleman speaks of.

Hon. Sir OLIVER MOWAT—It covers very much the same gronnd, but the details are different in the respects to which I have referred. I am not saying the provisions of the Ontario bill are the best possible, but I think they are very good, and we should consider them carefully, if we had time so to consider them, and we may by that measure be able perhaps to put in provisions by reason of which there would be less difficulty in passing the bill. I do not think that in the Ontario Act there is anything giving unlimited power to the municipality to make general provisions to regulate railways as there is in this bill; and I think that rather a dangerous provision. Though specially interested in affording facilities to municipalities and private owners in the matter of drainage, still, it is necessary to think of the other side as well; and having reference to one of the principal objects, we have in view, namely, the safety of railway travelling, it does seem to me that it might be dangerous to give that power to every municipality, small and large, throughout this great Dominion, yet that is what the bill, as it stands now, does. It gives to every municipality, small and large, of a city, or town, or village, or township, the power in this matter of making general regulations which now belongs to the Railway Committee of the Privy Council. That would be going too far; I do not think we could justify it, and in that respect I have not yet thought of any provision which would remove the difficulty. If we are to go into committee, I would suggest two or three other amendments that I will mention in order that we may consider them.

Hon. Mr. McCALLUM—As we go along with the bill in the committee, could not the hon. leader offer them on each clause?

Hon. Sir OLIVER MOWAT—Yes, if my hon. friend desires that, but I mentioned to my hon. friend that I had not got these amendments completed, and there are two or three which I have completed which I would like to consider further. Those that have been taken in substance from the Ontario Act I have not been able to thoroughly digest. I have mentioned the reasons there may be for following the course which has been thoroughly considered and pursued by the Ontario legislature in regard to the railways under the jurisdiction.

Hon. Mr. POWER—I have taken a very deep interest in this measure, perhaps not quite as deep an interest as the hon. gentleman from Monck, but I have taken a very deep interest in the measure, and it is perfectly clear that the leader of the House also takes a deep interest and is anxious that the measure shall be as perfect as possible. I submit to my hon. friend from Monck that, under the circumstances, no time would be lost by giving the Minister of Justice an opportunity to fully consider the measure and the amendments, and that he should put off the committee stage until Monday.

Hon. Mr. McCALLUM—What my hon. friend from Halifax says is correct. He has taken a great interest in this, but, listening to the leader of the House, I may say the very questions he raises are provided for in the bill. He is speaking of the danger that would result from giving such large powers to municipalities. Well, it is provided in the bill that they shall not do the work themselves.

Hon. Sir OLIVER MOWAT—No, no; I referred to the sixth clause.

Hon. Mr. McCALLUM—The railway companies do the work in all cases, and if there is any dispute at all, if there is going to be any danger to life and property, the matter comes before the Railway Committee of the Privy Council for decision.

Hon. Sir OLIVER MOWAT—Not matters under the sixth clause.

Hon. Mr. McCALLUM—Look at clause five.

Hon. Sir OLIVER MOWAT—That does not touch the point; it is the sixth

clause,—the general regulations there provided for.

Hon. Mr. McCALLUM—The sixth clause provides that "every railway company shall be subject to all general municipal regulations not inconsistent with this Act." That is the bill that I hold in my hands. If they are not inconsistent with this Act, they must be in harmony with it, so there can be no conflict. Any municipal regulations which are not in harmony with the Railway Act shall have no effect; if they are in harmony, why should they not be there? Is there any reason why railway companies should have such great privileges? Why should they not be obliged to drain their lands—why should they stand in the way of the improvement of this country? I suppose I will have to submit to the proposition of the leader of the House, but it has been delay after delay. I suppose there is no use in my trying to force this bill through parliament because my hon. friend can defeat me in the other House. If we are going to be splitting hairs, as we are doing on this question now, I might just as well try to get the bill through to-day, but as a concession to my hon. friend, the senior member for Halifax, I am willing that this bill should stand over until Monday next.

Hon. Sir OLIVER MOWAT—It would be very convenient, considering the amount of work I have on my hands, if this bill were referred to a special committee to report on Monday. I would give that committee the benefit of all the notes I have. The committee might meet on Saturday. I will not make any difficulty with any report that may be made. My hon. friend the Secretary of State and others who are interested in the matter might be members of the committee.

Hon. Mr. McCALLUM—As far as I am concerned, I think that this bill has been to committees enough. That is my opinion about it. The Railway Committee is composed mainly of railway men and they will oppose it on every occasion. Of course, if my hon. friend chooses and the Senate send it to a special committee of the House, I cannot help it. All I can do is to vote against it. The Senate understand the bill pretty well, and if they do, it will not be with my consent that it goes to a committee, I do not wish to obstruct in any way, but I object to unnecessary delays. If the Senate are desirous to give the people of this country justice, they should pass this bill. I say to the leader of the House that if he does not give the people—particularly the people of Ontario whose idol he has been for a long time—fair play on this question, they will be very much dissatisfied. I have done the best I can, and if I am to be met with obstruction in every way as far as this bill is concerned, the Minister of Justice, and his party, the Secretary of State and all, must take the responsibility.

Hon. Sir OLIVER MOWAT—I thought I was giving facilities and not obstruction, and I decline now to make any motion in this matter. The hon. gentleman may take any course that he thinks proper and the House approves of.

Hon. Mr. McCALLUM—I consent to put this off until Monday in deference to what the senior member from Halifax has said.

Hon. Mr. BELLEROSE—On account of the importance of the measure would it not be well to have the amendments of the Minister of Justice in print by Monday? The bill is important and the amendments must be important also.

The Order of the day was discharged and made the first Order for Monday next.

SUPREME COURT *AD HOC* JUDGES BILL.

IN COMMITTEE OF THE WHOLE.

Hon. Sir OLIVER MOWAT moved that the House resolve itself into a committee of the whole on Bill (F) "An Act to authorize the appointment of judges of the Supreme Court *ad hoc* in certain cases."

Hon. Sir MACKENZIE BOWELL—Before the motion is carried, I should like to throw out one or two suggestions before we go into committee, for the consideration of the Minister of Justice. In the first place, I think that the appointment of the different *ad hoc* judges should be limited to some one class of judges now upon the bench. In order to give character and greater dignity to the Supreme Court, the selection of any *ad hoc* judge or temporary

judge should be confined to the chief justices of the different courts in the provinces.

Hon. Sir OLIVER MOWAT—That would be impracticable.

Hon. Sir MACKENZIE BOWELL—I do not see why it could be impracticable, perhaps from my want of knowledge of the work that pertains to the chief justices led me to the conclusion at which I have arrived. Would the hon. gentleman point out in what respect it would be impracticable? The desire of everyone who has paid any attention or given any consideration to the constitution of that court, is not to have anything done which could, in the opinion of the outside public, lower its importance or its dignity. I fully concur in the remarks made by the leader of the House when he referred a few days ago to some of the county court judges that we have had in the province of Ontario. I go further: knowing the judge to whom he referred, and having watched his career for a great many years, I know the high opinion held of him not only by his brother judges but by former Attorneys General and Ministers of Justice of Canada—that he stands preëminently above many of his confrères, I could mention others, and do it with every degree of propriety, because those to whom I would refer have passed away. I remember well one judge in the west, Judge Sinclair, who occupied a position that would reflect credit upon any of our courts, and so with many others; but I care not how eminent in ability and respectability, or how high he may stand in the estimation of the different courts in Canada, that to place a county court judge in a position where he would have to review the judgments of all the higher courts, would not add dignity to the supreme court. I may compliment my hon. friend who sits before me (Mr. Gowan) on the high character of him expressed by the leader of this House. I recollect a time when the party to which he (Sir Oliver) belongs condemned him in the most virulent manner because he made a report, in the investigation of a certain question a few years ago, that did not comport with what they thought it ought to have been. They did not hesitate to express an opinion of him altogether different from that which was given the other day by the Minister of Justice, and I am sure he must feel gratified at the certificate of character which he has received, and his vindication against those who condemned him for having done his duty at the time. I would also suggest, before we go into committee, that the operation of this bill should be limited to a certain time, and that the number of *ad hoc* judges should also be limited. Another point was mentioned the other day with reference to the court; I think it would be a great mistake to make any provision whatever for reducing the quorum of that court. We know that in 1888 the quorum was fixed at five. In 1889 a judge was excused from adjudicating on a case in which he had been interested as a judge in the lower court, or as an attorney, or barrister; and last year it was still further amended by permitting a reduction of the quorum to four, if the litigants consent. If my recollection serves me right, it was stated, in the debate on the second reading of this bill, that in scarcely any case did the parties consent to that reduction, and any further reduction would be a great mistake.

Hon. Sir OLIVER MOWAT—There is no intention to reduce the quorum.

Hon. Sir MACKENZIE BOWELL—I know the matter was mentioned. The hon. gentleman also mentioned that he intended to add a clause by which these new *ad hoc* judges would be precluded from trying election cases. I think it is the general wish of the House that that provision should be made. It has been mentioned that there is no provision here for paying these *ad hoc* judges, either travelling expenses or an allowance for the time that they are occupied in the performance of their duties. My answer was this: that could be properly provided otherwise than in the bill by an item in the estimates for that express purpose.

Hon. Sir OLIVER MOWAT—At all events we could not deal with that here.

Hon. Sir MACKENZIE BOWELL—I thought it right to draw attention to the different points which are brought to my notice. I submit, with the best grace, to the views of legal gentlemen, more particularly the Minister of Justice who has been a judge, although I do not think he would like to receive a seat as an *ad hoc*

judge at present. I have mentioned the conclusions at which I have arrived after consultation with eminent men of the profession, and it is for the House to say whether they or any of them, should be adopted.

Hon. Mr. ALLAN—I have taken an opportunity, since the last sitting of the House, not only to think over this matter very carefully myself, as far as my judgment enables me to come to a decision upon the subject, on which, as a layman, I may not be so competent to form an opinion; but I have taken the pains to ascertain, from some of the members of the profession in whose experience and judgment I have great faith, what their views are on this question. So far as I have been able to learn, they are, on the whole, decidedly unfavourable, and the more I think of it, the more it does impress itself on me, that the appointment of these *ad hoc* judges to a court of last resort is not calculated to add dignity or weight to that court. It appears to me that there will be great difficulty in making a selection of the gentlemen who are to fill that important position. My hon. friend on my right has spoken of selecting only chief justices. I cannot imagine that that would be practicable. Not only that, but I speak subject to correction, and the Secretary of State will tell me if I am wrong—I think there would be very great difficulty in securing the services, not merely of chief justices, but of other judges of the superior courts. It is very well known that they all have their work to do, and abundance of it, and it would be very difficult to find any one of them who could assume the duties of an *ad hoc* judge. Moreover, you will have this additional difficulty in making a selection from among those, who otherwise may be very thoroughly qualified and whose services you desire to secure, that some of the cases to be argued before the supreme court have already been brought before them in their own court. Then, supposing you fall back upon the bar, I cannot conceive that gentlemen such as you would desire to have, men of high standing at the bar, and making large professional incomes would care to come here and act as *ad hoc* judges for a limited period, and I presume, that the supreme court, being the highest court in the land, it is a matter of the utmost consequence that none should sit upon the bench but men of the very highest capacity and of the very first position in their profession. With regard to selecting from the county court judges, I agree in every word that was said by the leader of this House the other day, and by my hon. friend, the leader of the opposition, with reference to particular instances. Every one will acknowledge that there have been gentlemen for many long years acting as county court judges who would be an ornament to any bench; but, at the same time, I do not think you can always make sure of being able to select such men from the county court bench, and in making appointments to the very highest tribunal in the land, you ought certainly to select none but the most eminent men in their profession. For all these reasons, I think the bill as it stands now is very objectionable, and at all events if the bill is to be pressed through, I hope it will be limited entirely to say one year. The fact is, the whole difficulty originates in the miserable pittance which we pay our judges. There is where the whole trouble arises. You give a man, when you put him in one of the superior courts, a salary which does not enable him to bring up and educate his family and live as a man in his position ought to live, and when he has been, perhaps, for five and twenty, or thirty years, or as I know in the case of an old friend of mine, forty years on the bench discharging his duty as chief justice of one of the largest provinces in the Dominion in a way which I am sure few men have ever done better, what does he come to when he finds he is compelled to retire? There is no question that the full retiring allowance should be given to judges where they have served for a length of time upon the bench. But hon. gentlemen who are members of the profession, and who know what the best men of the profession can earn as counsel, must acquiesce in what I say, that you cannot persuade such men to go upon the bench unless for some very special reasons, and it is a very great misfortune when it comes to this, that the office, which of all others ought to be one that would be looked up to with the greatest pride, cannot be filled in many cases as it ought to be filled, because you cannot find men of the highest standing at the bar who will accept the position for the salaries offered I think there is where the reform ought to

begin. If the bill passes this House I hope it will be limited in the time of its operation.

Hon. Mr. SCOTT—It seems to me rather a singular course for the hon. gentleman to take in doubting that the government would be influenced by the highest motive in the appointment of temporary judges. There seems to be a feeling that the government will lose sight of the dignity and importance of the supreme court, and that they will appoint men of inferior calibre. If those positions were vacant, does any one doubt that the government would select the best men to fill those places? The same reasons exist with reference to temporary appointments. The selections are made from the judges. The hon. leader of the opposition has raised a point that the selection should be made from the chief justices; that would be impracticable. The chief justice of the leading court, the court of appeal, is on six months' leave of absence. His services would not be available. Chief Justice Hagerty is a very able man.

Hon. Sir MACKENZIE BOWELL—But there are ten others.

Hon. Mr. SCOTT—It is possible that some of them may be obtained; but it would tend to diminish the value of the tribunal if the head of the court was removed from it. There are no doubt judges in various courts who would be quite capable of filling the position. It seems to me an unnecessary degree of suspicion is exercised in assuming that the government would be influenced by any improper motive in making the appointment.

Hon. Mr. ALLAN—Nobody suggested that.

Hon. Mr. SCOTT—They must take the best material available. The urgency of the bill is manifest, if the court is to continue and hear the cases now before it. One hon. member has raised a point as to the possibility of appointing a judge who may have heard a case while he was acting as judge of a lower court. We know very well that a judge elevated to a higher tribunal, if he had heard the case, would never think of acting in the particular case to come before the tribunal. Everybody could understand that no judge would for a moment think of hearing a case which he himself had heard before and pronounced judgment upon.

Hon. Mr. MILLER—A judge sometimes tries a case, and sits on a case in appeal.

Hon. Mr. SCOTT—I think it is highly improper. A judge appointed to a court of appeal should not hear a case which he had tried in a lower tribunal.

Hon. Mr. MILLER—I mean that our trial judges sit in appeal and re-hear cases tried in the first instance before them.

Hon. Mr. SCOTT—Oh, yes, that may be. Of course the government will make the best selections possible, and they are limited to judges. Although in the debate the appointment of county court judges was discussed, stil my hon. friend did not have any county court judge in view. He simply adverted to the fact that there were county court judges who had the capacity and ability to adorn the supreme court.

Hon. Mr. ALMON—I wish to remind my hon. friend of something which occurred when he was in the ministry of the late Alexander Mackenzie, which was formed after the defeat of Sir John A. Macdonald's government. I shall tell him what he did—perhaps it has escaped his memory—in Nova Scotia, in the way of appointing *ad hoc* judges to try election cases there. The judges of the supreme court of the province were of the highest character: none of them were appointed *ad hoc* judges. But three lawyers were appointed who had never held any judicial position. They were appointed, but after they came to a decision they were not allowed to remain lawyers any longer. One was made a judge of the supreme court at Ottawa, and the other two were appointed to other courts, one to the supreme court of Nova Scotia, and the other county court judge for the county of Halifax. I will tell the hon. member about the gentleman made judge at Halifax. The election of the two members there was protested on the ground of irregularities. The *ad hoc* judge who was to try that case was Mr. Johnson, a lawyer. He had canvassed at that election and voted, and presided as returning officer in one of the wards when the vote was taken. I think my hon. friend

was a member of the ministry at the time, and therefore I do not suppose he will take more care now than he did then ; but I may tell him that the name of an *ad hoc* judge stinks in the nostrils of the people of Nova Scotia now.

Hon. Mr. POWER—I do not think there was any election trial at all at that time.

Hon. Mr. ALMON—I know there was, because I paid half the deposit.

Hon. Mr. SCOTT—The Minister of Justice distinctly announced that they were not to hear election cases.

Hon. Mr. ALMON—I sincerely hope not, after what took place in connection with the election cases to which I have referred.

Hon. Mr. GOWAN—Probably the discussion would be more conveniently had in committee. Something has been said with reference to the appointment of chief justices ; I can assure the House that it would be absolutely impossible for the chief justices to leave their own courts and accept positions in the supreme court. In Ontario courts I know the judges have to work as hard as the judges of the court here, and it would be unfair to the suitors to take them away from their own duties.

Hon. Sir MACKENZIE BOWELL—Does not the same objection apply to the other judges of the superior courts? Would it not be equally improper to remove them from their duties, which I am informed are just as great as they can perform? Might I ask further, what are the extra duties which a chief justice has to perform over the duties performed by the other judges of the same court, further than preparing regulations as to the management of the court?

Hon. Mr. GOWAN—He has the general conduct and management of the whole business coming before the court. He must be there to hear every case. It would be very unsatisfactory unless the chief justice were present. It would be impossible to secure full judicial consideration in any case in the absence of the chief justice. With regard to the judges of other courts, there is always an interval when they have no duties to perform, and I can see no objection to appointing them.

Hon. Mr. KIRCHHOFFER—I would be very diffident in setting up any opinion against such eminent jurists as the leader of the House and the hon. gentleman from Barrie. Yet I do not think the suggestion made by the leader of the opposition as to the appointment of the chief justices can be dismissed in an off-hand way by saying it is utterly impracticable. I take it that the constitution of the supreme court is very similar to that of Judicial Committee of the Privy Council in England. In that, I understand, the quorum is also five, and very frequently it happens a quorum cannot be obtained to try cases coming before them, but it is provided by statute that the chief justices of the courts in England are, *ex officio* members of the judicial committee of the Privy Council, and that whenever there is a lack of a quorum in the judicial committee, it is within the province of the leader, or the chief justice of that court, to call upon any of the chief justices to take the place and fill up the quorum necessary in order to try the cases. That is the way in which the matter is managed in England, If the chief justice of a court in England can be called from his court to fill up a vacancy, I do not see why it can be said to be impracticable to adopt such a course in Canada.

Hon. Mr. SCOTT—Is the hon. gentleman sure of that statement? It is contrary to my recollection of it.

Hon. Mr. KIRCHHOFFER—I am sure that is the way it is constituted.

Hon. Mr. MILLER—Does the hon. gentleman speak from his own knowledge?

Hon. Mr. KIRCHHOFFER—I speak from information given to me which I am satisfied is correct.

Hon. Mr. MILLER—I wish to know if the hon. gentleman spoke as the result of inquiry. I am rather inclined to think the information is not correct.

The motion was agreed to.

(In the Committee.)

Hon. Sir OLIVER MOWAT—I wish now to make the bill as palatable as possible

to the hon. gentlemen who take an interest in it, and though I approve of the bill in its present form, I am quite willing to make any reasonable change in its provisions to make it acceptable to the members of the Senate. The first amendment does not touch anything questionable. It is in the first clause. In the fourth line it is said :

Subject to the qualification prescribed by section 3 of subsection 4 of the Supreme and Exchequer Court Acts.

I explained the object of those words, which was that where a temporary judge was to take the place of a Quebec judge, he must be himself a Quebec judge. It has been suggested that the mode of expression in the bill may possibly be open to doubt, and therefore, to remove all possible doubt of the meaning I propose to strike out those words, and insert a separate clause to meet that case. In the eighth line I propose to strike out from the word "subject" the whole of the ninth line, and tenth line to the word "Act."

Hon. Mr. POWER—The hon. leader of the opposition expressed a strong opinion with respect to the appointment of county court judges to this position.

Hon. Sir OLIVER MOWAT—I intended to strike out the reference to county court judges.

Hon. Mr. POWER—The amendment which I proposed to suggest to the Minister of Justice was this : in the eighth line before the word "court" insert "any superior." That is the language used with respect to the constitution of the Supreme Court in the original Act, as it is now in the statutes.

Hon. Sir MACKENZIE BOWELL—You will have to strike out more than that. I suggest that we strike out all the words after "is" in the seventh line of section one to the word "Canada" in the fifth line, and insert "A judge of any of the superior courts in the province." Then I propose to add the following as a subsection thereof, "that no appointments shall be made under this section after the 1st day of December, 1897." That limits the appointment of these temporary judges. If a clause were added to the bill, limiting its operations to a certain date, then it might be interpreted to interfere with the fourth clause, which gives the power to the *ad hoc* judges who have heard cases to determine them at some future time, which might be after the law had ceased to be in existence.

Hon. Sir OLIVER MOWAT—With regard to the first amendment just suggested, I do not remember any other gentleman in the province who has been a judge except myself, and the hon. gentleman may be afraid that the government may appoint me. I did not think of that. I am quite willing to have that struck out.

Hon. Sir MACKENZIE BOWELL—There is another besides the hon. gentleman ; there is Mr. Blake.

Hon. Sir OLIVER MOWAT—Yes, Mr Samuel Blake ; I would be glad if he were available. He is an excellent man, but is out of the question. I propose that the section should read, "any person who is a judge of any superior court in any of the provinces of Canada."

The clause as amended was adopted.

Hon. Sir OLIVER MOWAT moved that the following be made the second clause of the bill :

Where a judge is appointed under this Act in place of a judge appointed from the province of Quebec, the judge to be appointed in his place shall be a judge who has been a judge of a superior court of Quebec.

Hon. Sir MACKENZIE BOWELL—This gives you power to appoint an ex-judge in the province of Quebec but not in any of the other provinces. Why ?

Hon. Mr. MILLER—As I understand it, there are in the Province of Quebec only two superior courts—that is, the queen's bench, which has a mixed jurisdiction over criminal and civil matters, and the superior court.

Hon. Sir OLIVER MOWAT—Make the last part of the clause read "shall be a judge of the court of queen's bench of that province or of any of the superior courts of the said province."

The clause was agreed to.

The CHAIRMAN—Is it intended, if there is already a quorum of the court, that is to say, five judges available, that you should have power to appoint a sixth when

the statute itself says that five shall be a quorum.

Hon. Sir OLIVER MOWAT—I am not altering the quorum.

The CHAIRMAN—That could be provided for by a very few words in the first clause.

Hon. Mr. MILLER—I think the intention is to give power to the government to keep the court at its full number and the clause clearly does that without any amendment.

The CHAIRMAN—I had rather assume that the promoters of the bill did not ask to appoint where there was already an existing quorum.

Hon. Mr. MILLER—That is not the intention apparently.

Hon. Sir OLIVER MOWAT moved to add the following as clause three :

No judge appointed under this Act shall hear any case or matter arising out of any parliamentary election.

Hon. Mr. POWER—I have very serious doubts as to the propriety of passing that clause. I know the Minister of Justice undertook, in view of some expressions of opinion here, to insert a clause of that sort, but when we consider the position of things it must strike hon. gentlemen that that clause is not only unnecessary but is likely to be mischievous. The bill is carefully guarded—no judge can be appointed unless he is already a judge of one of the superior courts of one of the provinces. We know that nearly all of these judges have been appointed by the government which preceded the present one ; and at any rate most of the judges are above the suspicion of being influenced by their party feelings in their decisions. The position then is this, the court is to be composed of some gentlemen who now sit on the bench of the supreme court of Canada, united with one or two other gentlemen from the superior courts of the provinces. It is rather a reflection on that court, so constituted, to say that it shall not hear an election case. Further, it may lead to serious confusion, because we are likely to have, perhaps, before very long, appeals from the decisions of the provincial courts in election cases, and it will be quite impossible that those cases can be heard. The Minister of Justice will find it necessary, if he inserts this clause, to add later on in the bill some provision which will prevent an appeal from lapsing, because there might not be a quorum of the court qualified to hear it. Either this clause should not go in, or there should be some provision for hearing appeals from decisions of the provincial courts with respect to election cases.

Hon. Mr. MILLER—I differ altogether from the hon. gentleman. This clause is indispensable in this bill at the present time, and I was very glad indeed that the leader of the leader of the House approves the idea put forward in reference to these *ad hoc* judges not sitting in political cases, and expressed a willingness to make this provision in the bill to meet what I think was the general wish of the House. These judges are to be selected from the existing benches, and while I admit as readily as any one that, as a whole, our benches are free from bias of any kind, I am not prepared to say that it is completely free from bias in trying election cases. I am sorry to make this assertion. I stand up as far as I can for the integrity of our bench, but I would not be expressing my real conviction if I said the contrary. But while it is likely that the government will select men who might be under no suspicion of bias, it is because I desire to keep out of reach of suspicion the highest court in the country—that no cause should be given to evil minded people to suspect that when a judgment was given on a matter of political controversy by a judge of that tribunal that it was possible to attribute it to political bias. It is to protect the court from any suspicion of that kind that I desire to see election cases and cases of political controversy removed altogether from the consideration of these temporary judges. I may say further it will be unfortunate perhaps if a quorum cannot be got without those *ad hoc* judges to try election cases, but it would be better to let these cases stand over for a time as was suggested by the Minister of Justice the other day. When the question was asked what will be done if you cannot get a quorum, he replied then let it stand over. The Minister of Justice took in the position at once and the conclusion at which he arrived was the right one, and it recommended itself to the House. Otherwise

the bill would not have got its second reading, and it is a question now whether if some such provision is not put in, the bill will get through committee or be read the third time. I give way very reluctantly to the opinions of gentlemen on both sides of the House with regard to the propriety of appointing these judges at all, and it is only in view of the concessions which the leader of the House has made, that the bill should be clothed with checks and guards—that it would be satisfactory to us and that the period of its existence should be limited—that I have given way on the subject. I hope that in a very short time there will be legal provision for retiring judges who become incompetent from age or infirmity for doing their work. I hope the clause now under consideration will form part of the bill.

Hon. Mr. MASSON—I agree entirely with what has been said by my hon. friend from Halifax. It is exceedingly unfortunate that we should put such a clause in the bill. It is bad enough to think what the hon. gentleman has said, but it is a different thing to put it on the statute-book, to throw broadcast that slur on the judiciary of this country that we cannot trust them to try an election petition. Those judges are already judges of election cases. I quite understand the feeling manifested in this House, and that feeling may have arisen—it is bad enough in that case—in consequence of a state document lately placed before us, in which the advisers of the Crown have induced the Crown to express to the public exactly the idea that we have just heard from the hon. member from Richmond. We may think what we choose of the bench, but it is not proper to put in on the statute-book, and it is not proper for the advisers of the Crown to cast a suspicion on a body which the Crown itself has appointed. The Crown has been advised to cast an implied slur on two of the highest bodies of this country—the Senate and the judiciary. The Senate we do not care so much about, but the judiciary—it is not supprising that the people of this country should suspect the judiciary, when we throw broadcast all over the land the idea that we must put safeguards on the nomination of our judges. We have never heard of that before, and I say he is a very guilty man who advised the Crown to question its own appointments. I should prefer this clause should not be put in.

Hon. Mr. ALLAN—I should be very sorry indeed to vote for this clause if I imagined it was intended by it, in any possible way, to cast a slur on the integrity of any of the judiciary of this country. I cannot view it in that light. I suppose no one would dream of stating it was casting a slur on a judge if you took care that if he had heard a civil case in some other court he was not to be one of those who were to decide upon it again when it came before the superior court. That is the rule is it not? And, as in the present instance, is done to satisfy the public, in so far as the regulations of the court are concerned, that no possible ground of complaint shall exist, and the judges are made incapable of acting in that capacity, not that we fear that if they did so act they would do wrong, but because we want it to be said our judges are *sans peur et sans reproche.* I cannot see that this is any reflection on the integrity of the judges.

Hon. Mr. MILLER—I was very much surprised at the language which has fallen from the hon. gentleman (Hon. Mr. Masson). I am sure I expressed an opinion which is entertained by a great many more than myself in this House, and I do not think it is at all improper to express it in the way that I did, nor has it any analogy whatever to the case which he cited in connection with it, that is to the alleged aspersion thrown on the bench from a very high quarter. On that I pass no opinion, but the position of a legislator called upon to deal with a measure of this kind is very different from the instance cited by my hon. friend and which he has censured. Every hon. member of the House has a perfect right to make such an observation as I did. I expressly declared that my support of this clause was in order that there should be no ground for suspicion in the minds of evil disposed persons against the highest court of the land.

Hon. Mr. MASSON—Will the hon. gentleman from Toronto answer that part of my argument—judges who will be appointed *ad hoc* judges are taken from the bench, who have not only a right, but whose duty it is to try election cases. They will not change their qualities by being appointed *ad hoc* to the supreme court.

Hon. Mr. MILLER—They are not trying cases as a court of last resort.

Hon. Mr. MASSON—The principle is the same. Any man on this floor may say what he thinks, but it is very different to say so and put it in a statute, and scatter it broadcast that the legislature of this country have decreed that the judges who will be appointed by the government cannot be trusted to try election cases although they do to-day try election cases in other courts.

Hon. Mr. GOWAN—So far from that clause being a reflection on the judges, it is an aid to them. Every judge who has passed on a case would naturally desire not to be called upon again to deal with it, and it is a relief to the judges and not any reflection on them, so far as I can see.

Hon. Mr. POWER—"It is all very well to dissemble your love," to use a quotation which is a favourite one with my hon. colleague. Hon. gentlemen do not wish to see those judges try election cases, because the judges would be anxious to be relieved. That is not the real motive at the bottom of their objection.

Hon. Mr. GOWAN—I hope my hon. friend does not venture to impute any improper motive to me.

Hon. Mr. POWER—I hope my hon. friend will keep calm. I was about to add that the hon. gentleman from Barrie was an exception. I say I do not think that is the prevailing impression in the House. I do not think you will find any precedent for the clause before the House. I do not think you will find in the statutes of any country such a provision as this, that a gentleman who is to be appointed to act as a judge shall not try an election petition.

Hon. Mr. FERGUSON—You will find no precedent for the bill itself.

Hon. Mr. POWER—I think there is in the province of Ontario a precedent for the bill, and it is the continual practice in England for prominent Queen's counsel to be associated with judges at assize courts.

Hon. Mr. FERGUSON—In a court of last resort?

Hon. Mr. POWER—That makes no difference. The hon. gentleman thinks there is some magic in the term "court of last resort." The Privy Council of England is the court of last resort for Canada.

Hon. Mr. MILLER—In election cases?

Hon. Mr. POWER—In every case.

Hon. Mr. MILLER—Oh, no, not in election cases.

Hon. Mr. POWER—I do not think there is any substance in the last resort argument. We have a number of gentlemen sitting in the superior courts of the various provinces who are, at the present time, constituted judges to try election petitions, and as soon as one of those judges who, while sitting in the provincial court is qualified to try election petitions, goes into the supreme court, we propose to declare by statute that he is not qualified to try an election case. I think that is a most extraordinary and objectionable provision; but I am not going to move against it. The Minister of Justice has seen fit to insert the clause, and I suppose it will pass in that shape, but I do not wish it to pass without protesting against it. I think it is a very bad provision; it casts a reflection on the gentlemen who sit in the courts in the various provinces.

Hon. Mr. SCOTT—There is this feature about this clause which has been referred to. It is probable that certain election cases will come up. The government feel that they should not be charged with appointing any one to the bench who is friendly to the government, and that is a reason perhaps why they should want this clause in, so that the people could not say they were selecting a friendly judge to hear election cases coming up.

Hon. Mr. POWER—If a vacancy occurred in the supreme court, the government could appoint, without qualification, any person whom they pleased, and surely a gentleman who has occupied perhaps for years a seat on the bench is less liable to be influenced by political feeling than a gentleman coming direct from the bar.

Hon. Mr. MASSON—If the hon. Secretary of State thinks the government is not

fit to be trusted with the obligation of naming a judge, and does not think we can trust him, it is a very bad case indeed. The worst government should be trusted, I would rather trust them a dozen times—because it can only last for a year—than put this on the statute-book. I have more confidence in his government than he has himself.

Hon. Mr. FERGUSON—I think the amendment will facilitate the government in getting the best judges, and this difficulty will not be in the way as the best judges would naturally shrink from accepting the position with the prospect of having to try election cases the first thing.

The clause was adopted.

Hon. Sir OLIVER MOWAT—I propose this clause, that there shall not be more than two such temporary appointments at any one time.

The clause was adopted.

Hon. Sir OLIVER MOWAT—My idea was, as to the limitation of time, to name two years.

No appointment shall be made under this section after two years from the date of the commencement of the operation of this Act.

Hon. Mr. MASSON—This is an unusual affair and will probably not occur again. The emergency cannot last two years. Surely the judges will be back before a year is over.

Hon. Sir MACKENZIE BOWELL—My suggestion was 31st December, 1897, which would give nearly a year and a half.

Hon. Sir OLIVER MOWAT—One of the judges of the court has been appointed to the Behring Sea investigation, and it is impossible to know how long he will be engaged there. If they sit continuously, it will only be a few months, but they may adjourn from time to time and it may be much longer. The difference between December, 1897, and two years is not so great that there need be much difficulty.

Hon. Sir MACKENZIE BOWELL—I suggest the following which, I think, will meet the case:

No temporary judge shall be appointed under this Act after 31st December, 1897, and no temporary judge appointed theretofore shall continue to act as such after that date except as provided in sec. 6 of this Act.

My object is to make the power and duties of these *ad hoc* judges cease at that time, except so far as provided in section six. That is to enable them to adjudicate and finish whatever business they had on hand.

Hon. Sir OLIVER MOWAT—I think that would be the effect of it; but still I would have no objection to that addition, making the time two years.

The clause was adopted.

Hon. Sir OLIVER MOWAT—I propose to amend the title and have it read "An Act for the appointment of temporary judges in the Supreme Court in certain cases," leaving out the words "*ad hoc.*"

Hon. Mr. DICKEY, from the committee, reported the bill with amendments, which was concurred in.

ST. CLAIR AND ERIE SHIP CANAL COMPANY'S BILL.

FIRST READING.

A message was received from the House of Commons with Bill (11) "An Act to revive and amend the Acts respecting the St. Clair and Erie Ship Canal Co."

The bill was read the first time.

Hon. Mr. MACINNES (Burlington) moved the second reading of the bill. He said:—I wish to expedite matters and get this bill before the Railway Committee without delay. The object of the bill is to ask for an extension of time for the completion of the undertaking. It is the usual course followed in asking for an extension of time.

Hon. Mr. McCALLUM—This bill should take the usual course, and be read the second time next Monday. I do not see the necessity of having the second reading now. They are not going to commence this canal right away. The committee meets on Wednesday.

Hon. Mr. MACINNES (Burlington)—If it is the will of the House, I shall move that it be read a second time Monday.

The motion was agreed to.

FIRST READING.

Bill (12) "An Act to incorporate the Hudson's Bay and Pacific Railway Company."—(Mr. Boulton.)

GRAND TRUNK AND CANADIAN PACIFIC RAILWAY COMPANIES' BILL.

FIRST READING.

A message was received from the House of Commons with Bill (10) "An Act to confirm an agreement made between the Grand Trunk Railway Company of Canada and the Canadian Pacific Railway Company."

The bill was read a first time.

Hon. Sir MACKENZIE BOWELL moved that the bill be read the second time on Monday. He said:—If there was any danger of delay, I would have taken the same course as my hon. friend behind me (Mr. MacInnes) proposed with reference to his bill. It is a very short bill, but very important in its character. It is a lease by the Grand Trunk Railway to the Canadian Pacific Railway, for running powers over the line between Toronto and Hamilton, by which, I presume, the Canadian Pacific Railway makes connection with what they call the Hamilton and Buffalo Road.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Monday, 21st September, 1896.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE MANITOBA SCHOOL QUESTION.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—Before the orders of the day are called, I wish to direct the attention of the leader of the House to a paragraph, in the government organ, the Toronto *Globe*, of last Saturday, which is of a very important character. Any definite answer which can be given will, I am sure, be welcomed by the country. The paragraph is as follows:—

> We announced during the North Grey campaign that the Manitoba school question was practically settled and that the Liberal government would not attempt to pass any federal legislation dealing with the subject. We made that statement in good faith; it was accurate and it remains accurate. Our contemporaries, who are now smarting at the government and manufacturing "deadlocks" and "crises," will probably not have long to wait for convincing evidence of the truth of the *Globe's* statements. There will be no coercion under Laurier.

I suppose the *Globe* speaks on authority. I should like to know, and I am sure the country would like to know, if this question is settled, or practically settled.

Hon. Sir OLIVER MOWAT—My hon. friend has not given me notice of his intention to bring this matter up to-day. I may say that the paragraph to which he refers is not a paragraph with which the Government has had anything to do, and with regard to the position of the Manitoba school matter, it is in precisely the condition in which it was when it was last spoken of in this House.

SECOND READINGS.

Bill (D) "An Act for the relief of Albert Nordheimer."—(Mr. Clemow).

Bill (E) "An Act for the relief of Charles Edward Uton Pointon."—(Mr. McInnes, B.C.)

RAILWAY ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (A) "An Act to amend the Railway Act."

(In the Committee.)

On the first clause.

Hon. Sir OLIVER MOWAT—My suggestion is that the first section should be amended by striking out the words "in and for lands belonging to the said company," and substituting the following:

> So far as they are on land belonging to or held by the company, but only so long as such lands belong to or are held by the company.

Hon. Mr. McCALLUM—This bill has a very long history. It was under the consideration of Sir John Caldwell Abbott, a great railway lawyer, and solicitor of one of the important railways of this country for a

long time. I am satisfied that he would not give the people of this country anything but what was right as far as the railways were concerned. I would, therefore, rather have the bill defeated altogether than accept any amendment. I want the bill as it is, or not at all, because I have every confidence that it is right. Of course there has been some opposition to this bill in the Senate. I remember very well when the bill was referred to the Railway Committee in 1889. It was sent to a special committee of which Mr. Abbott was one. I remember then the Secretary of State appearing before that committee to oppose the bill in every way, and he has opposed it in every respect up to this day. That was fair enough when he was a private member of this House, but I thought when he got into the government that he would cease his opposition to the bill. The leader of the Senate says that he has some doubt in his own mind as to the soundness of his own views when the Secretary of State is opposed to the bill. The members of the Senate know very well that the Secretary of State had opposed it from the first. In fact there is an impression, whether true or not, that he was the paid solicitor to oppose this bill. I do not say whether he occupies that position now, and I do not know that he did then, but he can tell us whether he was or not. The Senate has passed this bill twice, and it has been before the House of Commons. I may have to deal a little with what was done with it in the House of Commons before we get through. Therefore I move that the clause pass without any amendment.

Hon. Sir OLIVER MOWAT—I was trying to assist my hon. friend; if he will not take my assistance I have no more to say. I withdraw my proposition to amend.

The amendment was withdrawn and all the clauses of the bill were adopted.

Hon. Sir OLIVER MOWAT—I approve of the purpose of this bill, which is to afford a local means of having these things settled, and as easy a method as is practicable. As the bill now stands, it does not accomplish that object. It is utterly unworkable and indefensible. I want the Senate to understand that I consider that is the correct way to characterize the bill as it stands. The misfortune is that a bill, which has a very good object, is expressed in such a way and contains such provisions, that it cannot possibly be accepted in the other House, and ought not to be.

Hon. Mr. McCLELAN, from the committee, reported the bill without amendment.

Hon. Mr. McCALLUM moved the third reading of the bill. He said:—The Minister of Justice says that the bill is not in a proper shape. It may not be, but he being leader of the Senate and Minister of Justice, there is no doubt we may look forward to having legislation in this direction soon. My hon. friend tells us that the government of this country regards this as an open question—that he and the Secretary of State disagree about it. This same bill has been a long time before parliament. It was before the House of Commons in 1890. I can show from the vote then taken upon it, that the hon. gentleman will be well assisted to get legislation in this direction, because his colleagues in the House of Commons did not think at one time that it was such a bad bill, and I do not believe they think so today. I find, in looking over the votes and proceedings of the House of Commons, that Mr. Blake who was the hon. gentleman's predecessor as Prime Minister of the province of Ontario, considered and approved of this measure. Sir Richard Cartwright, Mr. Davies and even the hon. gentleman's leader, Mr. Laurier, supported this bill just as it is.

Hon. Sir OLIVER MOWAT—They voted for the second reading.

Hon. Mr. McCALLUM—It was going to a committee of the whole.

Hon. Sir OLIVER MOWAT—So did I vote for the second reading of this bill.

Hon. Mr. McCALLUM—Mr. Mulock and Mr. Paterson of Brant both voted for this bill. So did many others, to the number of forty-seven in all.

Hon. Sir OLIVER MOWAT—I am not opposed to the principle of the bill.

Hon. Mr. McCALLUM—I am merely speaking of this to show that, when the hon. gentleman says there is a division in the government on this question, I think there should not be. If I had an opportunity to bring this bill before the House of Commons, I am sure, with the support of those who

favoured this bill on a former occasion in the House of Commons, I could succeed, but if the hon. gentleman can make it better, I say, Amen. It is not exactly the bill that I wanted. The hon. gentleman was kind enough to write me some time ago about this bill. He has taken a great interest in the matter, and while I have a seat in this House, and he has the honour of being here as the leader of the Senate, I will remind him of this question at a future time. I was very glad to receive from him the following letter :

I believe that you have taken considerable trouble in endeavouring to provide for drainage along the lines of the Dominion railways. I should be greatly obliged if you should send me a copy of the bill or bills which you have introduced for this purpose. I agree with you it is very important that we should have some well considered legislation on the subject and without unnecessary delay.

I will show you that this legislation has been considered by the Senate time and again. It was considered and sanctioned by Sir John Abbott, and the colleagues of my hon. friend the Minister of Justice in the House of Commons voted for it; I think, therefore, that the legislation should be passed without any delay. The hon. leader said that there should be no unnecessary delay. I do not know whether this delay is necessary or not. This letter from Sir Oliver Mowat which I have just read, is dated 2nd May, 1895, and I sent the hon. member a copy of the bill. A few days ago we thought that the session would not last longer than twenty-five days. That would have saved the country a lot of money, and that was the avowed object of the government. Now thirty days are over, and there is no hurry. We cannot save that money, and I hope we will get this bill through parliament so as to carry out the expressions of my hon. friend at the head of the government in regard to this matter. I feel grateful that the hon. gentleman has allowed the bill to be put through although it is not what he wants. If it does not pass this year, I hope he will improve on it next session, and if I am alive and here, I will give him all the assistance I can. It is a great pleasure to me to know that this chamber, irrespective of party—it is not a party question—have always supported me in this bill, knowing it was in the right direction and in the interests of the people. I am not an enemy to railways. They have been kind to me, and do great work in this country, but they should not be allowed to stop progress or prosperity, and prevent a man from draining his land as long as he is able to pay for it. The farmers should not be compelled to come to the Railway Committee of the Privy Council, and to fee a lawyer, all of which is necessary under the present system. I am very glad the bill has passed, and if it is not what my hon. friend the leader of the Senate thinks it should be, of course he can perfect it, and I can assure you that the people all over the country will be very grateful to him. If I could have got the bill through here in time last year, I had every assurance that it would pass the Commons in its present shape. I may say I should not regret having to wait another year if we are going to have a much better measure from the leader of the Senate.

The motion was agreed to, and the bill was read the third time and passed.

SUPREME COURT JUDGES' BILL.

THIRD READING.

Hon. Sir OLIVER MOWAT moved the third reading of Bill (F) "An Act to authorize the appointment of temporary judges of the Supreme Court in certain cases."

Hon. Sir MACKENZIE BOWELL—Before the motion passes I should like to ask the Minister of Justice if he could inform us in what state the Behring Sea Claims Arbitration stands? This question is somewhat pertinent to the bill before the House, because one of the judges of the Supreme Court has been appointed as one of the arbitrators, and it were well to know whether progress has been made in the negotiations with the United States which would render his absence from Ottawa necessary for a considerable time. I should like, also, to ask whether counsel has been selected and appointed by the Justice Department to look after the interest of those who have claims against the United States for the seizure of their vessels and cargoes.

Hon. Sir OLIVER MOWAT—The exact date on which the trial shall commence has not yet been fixed. There is correspondence

going on for the purpose of getting a date fixed between the arbitrators, but it has not yet been accomplished. Counsel has been employed by the Dominion to look after our interests in the matter, and in addition to the counsel employed by the Dominion for that purpose, the parties interested have likewise employed counsel of their own.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman go a little further and inform us who are the counsel that have been appointed for the Crown by the Dominion government?

Hon. Sir OLIVER MOWAT — Mr. Peters of Prince Edward Island is one. The other is a French-Canadian gentleman in Montreal, whose name has escaped me for the moment.

Hon. Sir MACKENZIE BOWELL—My principal object in asking the question was to ascertain if there was any foundation for the rumour that Mr. Peters, the premier of Prince Edward Island, was the gentleman who had been selected.

Hon. Sir OLIVER MOWAT—He is one of them.

Hon. Sir MACKENZIE BOWELL—My intention also, was to congratulate the hon. Senator from New Westminster on the fact that another provincial premier had been provided for, and therefore he was one step nearer the foot of the throne than before that appointment was made. I do not know whether the hon. gentleman intends to provide for the other remaining Liberal provincial premier—could he tell me that, and how?

Hon. Sir OLIVER MOWAT—No, I cannot tell the hon. gentleman that.

The motion was agreed to and the bill was read the third time and passed.

WESLEYAN METHODIST CONNECTION BILL.

SECOND READING.

Hon. Mr. MACDONALD (B.C.) moved the second reading of Bill (G) "An Act to incorporate the Wesleyan Methodist Connection in the Dominion of Canada." He said:—Some objection has been taken to the name of this society and it has been decided to alter it when the bill goes to the committee.

Hon. Mr. McCLELAN—The title is so nearly like those in other Acts on the statute-book that I think it is advisable to change it.

Hon. Mr. MACDONALD (B.C.)—I do not know what the new title is to be, but those who have taken objection to the name have agreed with the promoters of the bill to have another name adopted.

Hon. Sir MACKENZIE BOWELL—There are other provisions in this bill to which I desire to call the attention of the Minister of Justice, and also of the committee to whom it is to be referred. Reference is made in this bill to its "constitution as it exists at the present time." There is no constitution attached as a schedule to this bill, and consequently it is impossible for the House or the committee to know what the provisions of that constitution are. Reference is made in the next clause to the geographical boundaries as defined by that constitution. I would suggest that it is necessary to furnish a copy of that constitution in order that the committee may know what it contains, and consider whether it is advisable to attach it to the bill as a schedule. The hon. gentleman from Albert has very properly called attention to the title of the bill. A moment's reflection will convince hon. gentlemen that it is objectionable. Many properties are held by the Wesleyan Methodist Church of Canada, which is now known as the Methodist Church of Canada. If the present title of this bill were adopted, it might, in the future, create a great deal of confusion as to these very properties. Of course, provision might be made for that, even if the present title were retained, but that would be objectionable. However, as my hon. friend has intimated that the title will be changed, there is no necessity to discuss that feature of it further. I would call the attention of the Minister of Justice more particularly to the 8th clause, which confers powers upon this corporation to hold properties to an unlimited extent. It is true, provision is made that the surplus properties must be disposed of within ten years, but there is no such provision in this bill as is found in many acts of incorporation of religious bodies to prevent

them from obtaining money or properties by bequests within a certain time before the death of the person who devises or bequeathes such property. If you look at the Act incorporating the Methodist Church in Canada, you will find that it contains a special provision preventing them from taking what are termed death bed bequests. I need not enter into the reasons why churches and religious corporations have been debarred from taking money and properties under such circumstances. That has been discussed over and over again in this country. If you refer also to chapter 110, sec. 5, of the act passed in 1886, incorporating the Reformed Episcopal Church, you will find very much the same provision; and it is particularly set forth in an act incorporating the Baptist Church in Canada. There are special provisions in both these acts to prevent them accepting any death bed bequests; property or money must be so donated a certain number of months before the death of the testator. That is a principle that has been discussed and recognized for many years in Canada, and if this bill does become law I hope that the promoter will see that it contains similar restrictions. Then it will be for the Minister of Justice to say how far this eighth clause is within the power of this parliament to pass; even if it is passed in its present shape, according to a decision given by the Privy Council it would be subject to the laws of the province in which the property was given or bequeathed. That point has been decided in a certain case lately, and clearly laid down. I should like to ask the Minister of Justice whether there is any general law in the province of Ontario preventing the acceptance or receipt by any religious body or corporation, of a devise or bequest of property by persons who are dying; or if such a law exists, does it not provide that the property must be devised or bequeathed a certain number of months before the death of the testator. If not, I trust the Minister of Justice will look into this matter, and have such provisions and restrictions, as are contained in other acts of a similar character, incorporated in this bill.

Hon. Mr. LOUGHEED—There is even a more important principle which might be applied to the consideration of this bill than even the very important points to which the attention of the House has been directed by my hon. friend, and that is the principle of incorporating what I might term an abstract institution of this character, without having any evidence whatever as to its numerical strength, or even having any evidence whatever as to its having an existence. So far as this bill would appear from its face, there are no individuals responsible for the application which has been made. We might possibly refer to the petition, but I think I am safe to say that this body which now applies for incorporation and asks to be invested with all the powers of a body corporate, has not really a substantially recognized existence as a religious sect. I understand that it is a sect which is about to be called into existence. Now, if any business concern, or proposed corporation, should come before this Senate, and ask to be invested with corporate powers, we certainly would not grant to any number of individuals wide powers such as are asked for in this bill, by which are given them all the powers through the exercise of which they might possibly arrogate to themselves positions of emolument, and become the recipients of property as we find sought for in the bill. We would safe-guard it in every conceivable way, and why should any number of individuals come to parliament, and ask to be incorporated as a religious body, and ask to be given wide powers such as this bill contains under the guise of being a religious body? I think the government, entirely apart from parliament, should assume the responsibility of satisfying itself that there is sufficient evidence of such a body being so numerically strong as to warrant powers of this character being given to it, and that there would not be any abuse by the exercise of such powers in the hands of two or three individuals.

Hon. Mr. POWER—It has not been the practice to refer private bills to the government. I think the observations made by the hon. leader of the opposition and the hon. gentleman from Calgary furnish important material to be considered by the committee to whom this bill will be referred, but I do not see that the government have any special responsibility in connection with the bill. I quite concur in what my hon. friend from Calgary says in reference to the first clause of the bill, which provides that:

> The Wesleyan Methodist connection of the Dominion of Canada is hereby constituted a body corporate.

The almost universal practice is to name a certain number of persons and then say that they and their associates, members of such and such a body, are incorporated under a certain name; and it would be wise, perhaps, if the committee, in dealing with the bill, would get the names of some of the principal promoters and insert them in the clause, following the usual practice. Then there is another matter to which I think the attention of the committee might well be directed. On line ten, page two, the clause reads:

> The connection may acquire, receive and take in its said corporate name or otherwise.

I think the words "or otherwise" should be stricken out and this corporation should be authorized only to take property which is either granted or bequeathed to it in its corporate name. It has already been made apparent to the House that the name which the promoters of this bill have selected is one which is liable to lead to confusion, and hon. gentlemen will see that if that 8th clause passes in its present shape, confusion and litigation are likely to arise as to the object which the testator, for instance, had in view in making a bequest. He may have intended to leave it to another Methodist organization and not to this one. That is a point to which the attention of the committee might well be directed.

Hon. Sir OLIVER MOWAT—A number of the objections taken to the bill are well founded, and if the bill is proceeded with they ought to be removed in committee. If there is no such body in existence as that stated in the preamble, the bill is premature, and ought not to be allowed to pass. There are precedents enough for incorporating a body already in existence with a definite name. I was not aware that this was not a body of that kind, though I had never heard of such a body before I heard about it in connection with the present bill. The committee should be satisfied on that point—that there is such a body. Then my hon. friend opposite inquired whether there was any law in the province, to which he and myself belong, forbidding devises except subject to certain restrictions. There is such a law as applying to the province of Ontario. There is no general provincial statute to that effect, but our courts have held that the mortmain laws of England came into force along with the other laws of England. The question had been the subject of litigation for some time, but was finally settled in the way I have mentioned. We have that law there, and it is a law which the Dominion parliament has no power to interfere with. It is a provincial law. It is for the province to say how lands should be disposed of, and the large authority which this bill proposes to confer with respect to lands is a power which the Dominion parliament cannot give. Parliament may incorporate this church, but have not power to give the authority which the 8th clause provides. Then the 8th clause does not limit the quantity of land which may be taken under it, nor does it make any restriction as to the time when devises may be given to be valid. I have no doubt the committee will look at the other Acts which have been passed, to some of which my hon. friend has referred, and of course this new body should not receive any authority greater than older and larger bodies have received. I quite agree with what my hon. friend said in that respect. The bill refers to the constitution of the order as regulating who should be members of the corporate body. We do not know anything about this constitution and we cannot say that all the persons named in that constitution should be members of the corporate body unless we know what that constitution is. The third section is open to the same objection. The bill will require very careful attention on the part of the committee, and I have no doubt will receive it. All these objections which have been made will be good objections unless they are removed in committee.

The motion was agreed to and the bill was read the second time.

SECOND READINGS.

Bill (11) "An Act to revive and amend the Act respecting the St. Clair and Erie Ship Canal Company."—(Mr. MacInnes, Burlington.)

Bill (10) "An Act to confirm an agreement between the Grand Trunk Railway of Canada, and the Canadian Pacific Railway Company."—(Sir Mackenzie Bowell.)

HUDSON BAY AND PACIFIC RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. BOULTON moved the second reading of bill (12) "An Act to incorporate

the Hudson Bay and Pacific Railway Company."

Hon. Mr. POWER—I propose to vote against this bill. I do not think it is a measure that the House ought to pass. Clause four of the bill sets out what the company propose to do :

4. The company may lay out, construct and operate by electricity or steam power, or both, a railway, of the gauge of four feet eight and one-half inches, from a point at or near Port Churchill, on Hudson's Bay, through the territory north of the Churchill River to deep water at or near Fond du Lac, on Lake Athabasca, and from Port Churchill aforesaid, on Hudson's Bay, through the territory north of the Nelson River, to a point at or near the north-west end of Lake Winnipeg; thence through the territory of Saskatchewan to Prince Albert in said territory; thence continuing through the said territory and the territory of Alberta by the most practicable route to Calgary in the last mentioned territory, and may also lay out, construct and operate a branch line from a point on the said railway near Manitou Lake in the territory of Saskatchewan, to Edmonton in the territory of Alberta.

The scheme is to build a railway from Port Churchill to Lake Athabasca and another line from Port Churchill to the northern extremity of Lake Winnipeg. A more absurd scheme than that, to build a railway from Port Churchill to Lake Athabasca, was never submitted to any legislative body. It is practically, one may say, undertaking to build a line through the barren lands—a region of almost perpetual frost. There can be no local traffic for the road, and there does not seem to be any probability that there will be any other traffic such as would give the railway employment. I imagine that a few carts would transport all the goods that are ever likely to pass from Lake Athabasca to Port Churchill by that route. The other line from Port Churchill to the northern extremity of Lake Winnipeg is very much in the same position. Hon. gentlemen may say, "Let the thing go; nothing will ever be done under this bill if it becomes law, and why should we not oblige these people by giving them the legislation that they ask for?" I do not think that is the attitude this parliament should assume; because, while Canadians may have a pretty fair idea of the sort of country through which this railway is intended to run, people in other parts of the world will not have that knowledge; and at any rate it is a most undesirable thing that the parliament of Canada should stamp with its approval any such — I hardly know a term strong enough to describe the nature of the scheme. It is the sort of scheme which would enter into the brain of man confined in a lunatic aslumn, or who ought to be so confined, but I do not think it is a scheme which would be entertained for a moment by any reasonable being who is at all familiar with the proposed location of the road. Hon. gentlemen will remember that when another railway to Port Churchill, which had rather more to recommend it than this proposed scheme, was before us, it met with very serious opposition in this House. If the matter were to end here, perhaps it would not be worth while making any vigorous fight against this measure, but the passing of this bill is only the first stage. We know what took place in connection with the other measure to incorporate a company to build a railway from Winnipeg to Hudson's Bay. Afterthe act of incorporation had been obtained, pressure was brought to bear on parliament and the government to induce them to subsidize the proposed scheme; and I presume that if we pass this measure this session, we shall have by next session the promoters of this bill coming to government and parliament to try and secure a grant of public money for their wild and chimerical scheme. I think it is our duty—the duty more particularly of a conservative body like the Senate—I mean conservative in the best sense, not in a party sense—to stamp with their disapproval any such measure as this.

Hon. Mr. BOULTON—I am astonished to hear the exceedingly wild terms in which the hon. member from Halifax has denounced this effort that is being put forth to develop our great territories in the west. I cannot conceive the reason of his opposition—why he, coming from the port of Halifax, proposes to interfere with an effort that may be put forth by the people of Western Canada to develop their country. Hudson's Bay is thoroughly well known; it has been visited by government steamers, and for 200 years the Hudson's Bay Company have successfully carried on trading there. Without any just cause or reason, and without any provocation, the hon. gentlman opposes a bill which has already been passed by the House of Commons—a bill similar to one which passed parliament for successive years—the old Hudson's Bay Railway Bill. That charter

is now dead, unless it is revived by Parliament and this is the only measure of the kind before the country. The hon. gentleman speaks of crossing the barren grounds to Lake Athabasca: is he aware that what is believed to be one of the greatest deposits of petroleum in the world is awaiting development at the proposed terminus of this line on Lake Athabasca? Is he aware that the cheapest outlet for the commercial product is by way of Hudson's Bay, and though this connection with Lake Athabasca is secondary in consideration to the development of competition for our prairie lands, the fact that the head of navigation on Lake Athabasca is only 400 miles from Churchill harbour and that a stretch of 800 miles of navigation is connected with it, justifies the inclusion of this branch, should the company proceed with its operations, which the high standing of those now connected with it would lead us to expect. Does the hon. gentleman say that we are to stand still, knowing the magnificent and valuable resources that exist not only for the purpose of Canada but for the use of the whole world—that we are to refuse to give private enterprise the right to attempt to develop those great resources? The hon. gentleman's party has just attained power and has control of the public expenditure. Is he afraid that the promoters of this railway are likely to influence the government to saddle the country with the expense of constructing this line? They can withstand any such application, but it is not right to attempt to prevent private enterprise from developing our western country when the Dominion has nothing to lose and everything to gain by permitting them to do it. I am sure that the speeches which have been made from time to time, and the information that has been brought down to this hon. House in regard to the development of our great resources by way of Hudson's Bay, will warrant gentlemen in supporting this bill which has been sent up to us from the House of Commons and which I was asked to take charge of in the Senate.

Hon. Mr. LOUGHEED—I do not desire to express any opinion upon the merits or demerits of the route which is indicated in this particular bill, but I certainly do take exception to the remarks which have fallen from the senior member from Halifax. While it is very desirable that this body should, as far as possible, investigate the merits of enterprises of this kind, such wild and extravagant remarks as those made by the hon. gentleman from Halifax are not likely to assist the development of the vast resources of that western country. I have always given my hon. friend very great credit for looking most carefully into bills of this character, and of expressing himself in a very temperate manner, but when language such as he has used to-day is embodied in the debates and circulated, particularly in the old country, with reference to railway enterprises for the development of that western country, the geographical line is not drawn very finely in regard to the application of such remarks, and may be thought to apply to sections of the country which are admittedly possessed of the greatest possible fertility. Hence, in respect to enterprises that are launched for the development of our great North-west, it behooves members of this House to be very careful of the language they make use of in describing the resources of that country, and not to employ terms which may afterwards handicap the floating of legitimate railway enterprises. We very well know that when the Canadian Pacific Railway was first mooted, gentlemen belonging to the political party to which my hon. friend belongs, who occupied very high positions in the counsels of that party, did not hesitate to express themselves in an equally extravagant, wild and incoherent manner as my hon. friend has done to-day.

Hon. Mr. POWER—I think the hon. gentleman should withdraw the expression incoherent.

Hon. Mr. LOUGHEED—I certainly do withdraw that expression. I had in view one hon. gentleman who occupies a very high position in the Liberal party to-day, who spoke of British Columbia as "a sea of mountains," and of the Canadian Pacific Railway as a chimerical enterprise, and predicted that if that road were built it would not pay for the grease used on the axles of the trains. We know that other extravagant expressions were made use of with regard to that great enterprise. Some of the promoters of this present railway enterprise occupy high positions in Great Britain. One is an admiral

and another a captain in the Royal Navy, and among them I see also the names of gentlemen occupying no mean position in Canada, and having, as I know, a fair knowledge of the country through which this line is to pass. These gentlemen make this application and assume the responsibility of the enterprise. I cannot conceive that gentlemen occupying such positions would make an application of this character without having some knowledge of what they are applying for, and without having given some study to the enterprise which they are about to undertake. As I said at the beginning of my remarks, I do not undertake to vouch for the wisdom of the enterprise, or for the possibility of its being carried out, but I protest against such extravagant remarks being made as those to which we have listened, because I have always found that there are no gentlemen so ready to express themselves in regard to the impossibility of western enterprises and development of western resources, as those who know least about them.

Hon. Mr. ALMON—In this instance, I am sorry to say I must again agree with my hon. colleague. As he expressed it, I consider it a wild-cat enterprise, and instead of being for the benefit of Canada it will have the effect, if this bill goes on the statute-book, of preventing British capital being invested in this country. What have we already done? Look at the Chignecto Railway, which is just as absurd a thing. How many people in England have been ruined by that scheme! When those people complained and we said "why did you invest your money in such an enterprise?" they replied "your parliament sanctioned it and subsidized it, and we thought it was a responsible company and therefore we put money in it." Those poor people no doubt wish they had their money back again, and curse this House for having sanctioned such a wild enterprise. If we pass this bill, we certainly endorse the scheme, and people in England, who may hereafter put their money into it, will certainly have reason to reproach us for having misled them by our legislation. I am not so much afraid of that; I am more afraid that it will make us a laughing stock. Everybody knows that the navigation of Hudson's Straits is impracticable as a commercial enterprise. From all we have heard of the country between Winnipeg and Hudson's Bay, we have reason to believe that it is perfectly valueless, but we know next to nothing about it. The hon. gentleman from Shell River accused my hon. friend of ignorance on a matter about which he himself knew nothing—that is, the unknown resources of the country. I think we are all ignorant on that point, and will continue so for a long time. I really hope that this bill will be thrown out and that we will hear no more of the Hudson's Bay Railway until other railways, which will be more useful, are built.

The motion was agreed to and the bill was read the second time.

DISMISSAL OF FISHERY OFFICERS.

INCOMPLETE RETURNS.

Hon. Mr. FERGUSON—Before the House adjourns I wish to call the attention of the Secretary of State to these papers that have been submitted relating to the dismissal of fishery officers, which are very incomplete. A very important one has been omitted.

Hon. Mr. SCOTT—Can you give me the name of it?

Hon. Mr. FERGUSON—I can only explain it by the one that follows, which reads:

> I am to inform you that the action taken in July last, dispensing with your services as fishery overseer from that date, has been confirmed by Order in Council.

There is no paper showing what the action in July was. The action in July, as I have reason to know, was setting forth that a certain person had been dismissed because of a change of administration. That document does not form part of these papers.

Hon. Mr. SCOTT—I presume that document would not be within the knowledge of the department. At the time my hon. friend read the letter it struck me that it was sent by the fishery officer in Prince Edward Island, and without the knowledge of the department.

Hon. Mr. FERGUSON—The document was issued by the order of the Minister.

Hon. Mr. SCOTT—We would have to telegraph to Prince Edward Island to get it.

All the papers, I understand, on file in the department were sent over.

Hon. Mr. FERGUSON—The motion was made to recover letters written by officers of the department, so that this letter was properly covered.

Hon. Mr. SCOTT—Will you give me a memorandum of it?

Hon. Mr. FERGUSON—It is dated 21st July, 1896, written by Mr. Lord, agent of the department, to Mr. Patrick McBride. It is stated in the letter that he wrote it by the authority of the hon. Minister of Marine and Fisheries.

Hon. Mr. SCOTT—I will make inquiry at once.

Hon. Mr. FERGUSON—I should like to ask whether the other papers asked for at the same time, relating to railway dismissals, are ready?

Hon. Mr. SCOTT—They have telegraphed down for them.

THE CASE OF J. L. PAYNE.

Hon. Sir MACKENZIE BOWELL—I have not the same complaint to make as my hon. friend to my right (Mr. Ferguson). The papers I have in my hand contain more information than I asked for. I think it is somewhat unusual that an officer of the department should write a letter, after a question that has been put on the notice paper, commenting on the action of the Commons, and that it should be brought down as an answer to my question. I mention it to show how far some of the officers of the department will go to give unnecessary information. I am not complaining of the action taken by the government; I wish that distinctly understood. My only object was to learn what led to the decision that was given in Mr. Payne's case. Perhaps, when I read these papers carefully, I will be able to understand the matter.

Hon. Mr. SCOTT—The government did not examine the papers; they were sent in by the official who was asked to prepare them. Not being familiar with the subject, I did not think proper to look over the papers.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman will take a little advice from me—and I have had some few years experience—he will never allow any return to come to his department without looking through every paper before laying it on the table. In many cases I had to call the attention of the officers of the department to the omission of letters referred to, as is the case with the notice of my hon. friend to my right. I do not say that the hon. Secretary of State should take the same pains and trouble that I did. Having had some experience of grumbling and fault-finding at my opponents while in opposition, I always when a member of the cabinet prepared myself to reply to any complaint, and the hon. gentleman would save himself a great deal of trouble if he would do the same.

BILL INTRODUCED.

Bill (13) "An Act respecting the Hamilton Powder Co."—(Mr. McKindsey.)

The Senate then adjourned.

THE SENATE.

Ottawa, Tuesday, 22nd September, 1896.

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE LATE SENATOR FERGUSON.

Hon. Sir OLIVER MOWAT—I dare say it has come to the ears of most of us—it has come to mine since I entered the House this afternoon—that a member of this Senate has, within the last few hours, been called to his everlasting rest. I refer to Mr. Ferguson of Welland, who was not personally known to me as he was probably to almost every hon. gentleman now in the House. He was ill, as we all know for a considerable time. It was announced some time ago that his life was despaired of: we were told that in a few hours he would have passed away: that apprehension was not realized. From day to day we heard now that he was a little better, and then a little

worse, and considerable hopes were entertained here, in consequence, that after all he might recover. It was not so decreed. Mr. Ferguson was for a long time a somewhat prominent and influential public man. He was for several years a member of the House of Commons, and took a place of some importance there. For some years he was a member of this House and you have had an opportunity of becoming acquainted with his merits. I know that he was held in high esteem by those who were acquainted with him. Any further details in regard to his life and character will be better given by those of you who knew him better than I did. I thought it proper, before the business of the day was entered upon, to make the announcement and the observations to which you have just listened.

Hon. Sir MACKENZIE BOWELL—I need scarcely say that it is with feelings of painful regret that we are so often called upon to refer to members of this House who have been called to their eternal rest. Mr. Ferguson, who has just departed this life, was a gentleman with whom I have had long acquaintance, and with whom it was my good fortune to sit in the House of Commons for a number of years, in fact, during the whole period that he had the honour of representing one of the most important constituencies in Ontario. I do not know that I could say more than that he was an exceedingly useful member, a man of more than ordinary ability, who when he applied his mind to any question that he brought before the House dealt with it in a manner to show that he was fully acquainted with the subject that he discussed. He was an active, energetic man in private life. He occupied a prominent position in the western portion of the province of Ontario from his boyhood. He began life in the practice of his profession as a physician, and when he entered into the field of politics he was equally successful in advancing his ideas upon important questions affecting the interests of the country. He held strong views upon the questions which were before the people. He belonged to the Conservative party, to which he adhered with fidelity until the time of his death. He was, during his period in this House, as all who had the pleasure of sitting with him know, a useful and talented member. We all regret his death, particularly when we consider that he was one of what I might properly term the younger members of the Senate. He had not reached that age which many of us have attained, and but a year or two ago he was the very picture of health, giving an indication at least of a long life of usefulness to his family and to his country. The fact that he has been cut off at so early a period is only another warning to the rest of us that we know not what moment we may be called before a higher tribunal. I can only repeat my very deep regret and express my sympathy for his family, and also express my sense of the loss of so useful a man to his country.

NORTH-WEST REPRESENTATION.

INQUIRY.

Hon. Mr. BOULTON rose to

Call the attention of the government to the census enumeration of the population of Manitoba and the Western Territories lately taken, which entitles it to a larger representation in parliament than it at present enjoys ; and will inquire if it is the intention of the government to act upon the census enumeration.

He said :—In 1892 an Act was passed, giving a quinquennial census to the province of Manitoba, because the population there increased very rapidly from immigration. A census was taken this year and a turn has been made showing what the increase of population is. Ever since 1891 we have been entitled to a representation of seven members, but this is the first session that the province of Manitoba has enjoyed that right, because parliament was elected the year the census was taken, and consequently there was no action upon it. Although our population of 152,000 gave us the right to seven representatives in 1891, we have not, until this session, enjoyed that right. Our present population is over 193,000.

Hon. Mr. SCOTT—Manitoba or the Territories ?

Hon. Mr. BOULTON—Manitoba. The reason I bring up the subject at this early stage is, that if the government do not act upon this quinquennial census, and no redistribution is made giving the province of Manitoba two more representatives than we have today, and if the general election should be held before the next general census is taken, we would be 10 years with only seven representatives, when, in reality,

we might be entitled to 14. At the present moment our population entitles us to nine representatives, and we will have to be satisfied with that when the next general election takes place. But the redistribution should be made in anticipation of a general election at any time; otherwise, as I have said before, we might have a general election in two years, and if this provision was not made for the representation in the province of Manitoba, we would be cut out, for ten years, of the representation to which we are entitled. In 1891 our population was 152,500. Under the present Redistribution Act, the basis of representation is about 22,000 to each constituency; that would give us seven representatives at that time, but, as I have explained, the census having been taken the same year as the general election was held, we have not enjoyed the right of having seven members, which we might reasonably have expected, during the last five years. Now our census has just been taken, and it shows that our population has reached 193,425, entitling us to nine representatives; but the general election having been held at the time that this census was being taken, we are now working upon the redistribution made in 1892. The population of the several constituencies is as follows under the present census:

Lisgar	38,190
Macdonald	30,404
Brandon	32,668
Selkirk	24,840
Winnipeg	31,649

The other two, Marquette and Provencher, are a little below the average for the whole Dominion, being about 18,000 each, but these figures show clearly that the province of Manitoba is entitled to a representation of nine instead of seven members. I hope that the government will look into the question, because it involves the representation of exceedingly large interests, especially in proportion to our population, and it is therefore important, at any rate, that we should be represented to the full extent that our rights under the law would give us. The population of the several provinces of the Dominion at the last census and the representation based upon it was as follows:

Province.	Population.	Repre.
Ontario	2,114,325	92
Quebec	1,488,535	65
Nova Scotia	450,396	20
New Brunswick	321,263	14
Manitoba	193,425	7
British Columbia	98,173	6
Prince Edward Island	109,078	5
North-West Territories	73,000	4

That is the way in which the various provinces of Canada are subdivided and the representation. A large province like ours, producing immense quantities of food products, should have the full representation to which it is entitled, in order to give proper effect to the wishes of our people. I have brought up the subject now with the object of pointing out the peculiar phase of the position which we occupy, that if the redistribution does not take place before the next census, while our population will have increased probably another fifty or sixty thousand, entitling us to thirteen or fourteen representatives, we will, for the next ten years, have to go on with no increased representation beyond what we have to day. The Manitoba Act requires that the redistribution shall take place after every decennial census, the same as under the British North America Act, but in consequence of the rapid increase of population in Manitoba, we have been accorded a quinquennial census. Hon. gentlemen will see the reasonableness of the proposition to which I have called the attention of the government, and I hope before another general election some action will be taken so as to give us the full representation to which we are entitled.

Hon. Sir OLIVER MOWAT—The subject of the observations which my hon. friend has made, has not been called to the attention of the government before. There has been no official communication, even, of the result of the last census of which he speaks here, but the whole subject will be considered before next session. I do not say that anything will be done, because it has not been even considered or spoken of, but at all events it will be considered before next session.

HAMILTON POWDER COMPANY'S BILL.

SECOND READING.

Hon. Mr. MACINNES (Burlington)—moved the second reading of Bill (13) "An Act respecting the Hamilton Powder Company." He said:—This is a purely domestic bill, and its various clauses are well safe-

guarded. The first clause provides for an increase of the capital stock of the company, the increase to be determined by a majority of the shareholders. The next clause increases the number of directors to five. The third clause empowers the company to move its head office to Montreal.

The motion was agreed to and the bill was read the second time.

The Senate then adjourned.

THE SENATE.

Ottawa, Wednesday, 23rd September, 1896.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE SUPPLY BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (30) "An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service for the financial year ending the 30th June, 1897, and for other purposes relating to the public service."

The bill was read the first time.

Hon. Sir OLIVER MOWAT moved the suspension of the 41st Rule so far as it relates to the said bill.

The motion was agreed to.

Hon. Sir OLIVER MOWAT moved the second reading of the bill.

The motion was agreed to.

Hon. Sir OLIVER MOWAT moved the third reading of the bill.

Hon. Mr. MACDONALD (B. C.)—How is it that the civil servants have not been paid out of the money in the hands of the government from the Governor General's warrants? The government control that money and the civil servants could have been paid without passing this bill in a hurry.

Hon. Mr. SCOTT—If my hon. friend will remember, there was a very distinct opposition to the payment of the civil servants under the Governor General's warrants, and more particularly that branch of the service relating to the printing bureau. The amount in that instance was $7,000, and the assertion was made that it was rather in advance of the time when the payment ought to be made. The bill now before the House was absolutely necessary for the purpose of making payments that have accrued since that date. There was a distinct assurance given at the time there was such an opposition to the Governor General's warrants, that no more payments would be made out of the money represented by these warrants, and more particularly the payments due in connection with the printing bureau. The present Supply bill covers the payments due the printing bureau, and a number of labourers, and salaries in some of the departments. This is a partial Supply bill only.

The motion was agreed to, and the bill was read the third time and passed.

POSTAL FACILITIES IN MANITOBA.

INQUIRY.

Hon. Mr. BOULTON rose to

Draw the attention of the Government to the necessity for improved postal facilities for the postal centres on the line of the Manitoba and Northwestern Railway, west of the town of Minnedosa; and will inquire of the leader of the Senate if the same will be afforded?

He said: This inquiry relates to the railway that serves the district of country in which I reside. We have a tri-weekly service as far as the town of Minnedosa, which is half way to the terminus of the line at Yorkton. Beyond Minnedosa there is a two-weekly service, one going as far as Russell on Tuesday, and the other to Yorkton on Saturday. The latter arrives somewhere about Sunday morning and leaves again on Monday morning, very early, on its return journey. This necessitates the distribution and making up of the mail on Sunday and causes the assembly of a very large number of people to receive their mail. Instead of being like the Sabbath day, at Yorkton and other points, it is more of a business day, as far as the mail is concerned, and the people feel it a very great inconvenience. It is

impossible to receive the mail and reply by return post, and the consequence is that another week has to elapse before any reply can be sent. In Russell, where I reside, which is about 60 miles this side of Yorkton, the mail service is a little better. There we have the two weekly service, but the mail goes out before the incoming mail, so that it is impossible to send a letter from Winnipeg to Russell and get a reply back under a week. And these facilities are of a very poor character and have been the subject of very great complaint with some forty post offices that are dependent upon facilities afforded by the railway. We are in this unfortunate position as far as our railways are concerned, that the government are at the mercy of the railway companies. If the railways do not run the train, the people cannot have the facilities, unless a totally different plan is arranged. I do not think that it is right that the country should be left entirely at the mercy of the railway companies to give us as much service or as little service as they may feel disposed to give. The postal receipts by the railway companies for the service afforded is eight cents a mile run. That gives to the Manitoba and North-west Railway Company something in the neighbourhood of $100 a week for the train service that is already afforded. That is a considerable amount—a fair amount for three trains a week as far as Minnedosa, and two trains beyond that. If the government were to say to the railway company, "in consideration of the advantages in the carriage of these mails, in payment for this mail service we wish you to complete the service to Yorkton, so as to give us a tri-weekly service west of Minnedosa," I think it would pay the government. It would certainly add to the interchange of trade and it would pay the railway company itself. The railway company unfortunately is in the hands, at the present moment, of a receiver. If you write to the railway company for anything that they shall be compelled to comply with for the public service, or according to law, the reply is that it is in the hands of a receiver, and they are powerless to do anything in the matter at all. That is an unfortunate position for a population in that respect; and in respect to their mail, it is a very trying one. The want of proper mail facilities restricts trade and development in every way. Prompt mail facilities and the opportunities for replies are quite essential to the successful development of the trade of any country, and as this is a new country, I wish to express from my seat here the feelings of the large population that is served by something like 120 miles beyond Minnedosa, and to state the difficulties that they lie under. In England the government takes the power over one train per day itself; that is to say, it dictates when it shall start, how fast it shall go, and where it shall stop and what place, and everything else, it is called the parliamentary train. It assumes its control over the railways to that extent in the interests of the people, and I certainly think that where we are entirely dependent upon the railways for our mail service, and that the government is powerless in the matter unless it exercises its control and dictates, in consideration of the subsidies that are given for the carriage of these mails, in consideration of the large subsidies given to this company to aid in its construction, what amount of service shall be accorded to the public, things will remain just as they are. A little representation on the part of the government would be quite sufficient to give the additional mail service, and so far as the cost to the country is concerned, it would be, comparatively speaking, a small matter, something like $15 or $18 for the extra trip. But when you consider that you are serving a large number of post offices for that small amount, it is insignificant in comparison with the interests involved. I would, therefore, draw this matter to the attention of the leader of the Senate, and express the hope that the matter will be inquired into, and that the facilities that I ask for on behalf of the people may be afforded as soon as possible.

Hon. Mr. PERLEY—I quite endorse all that the hon. gentleman from Marquette has said in respect to the mail service on the extreme end of this railway. It extends up into the eastern parts of Assiniboia, some forty or fifty miles I think, and I happened to be there in the early part of June on a Saturday and Sunday. The mail gets in there only once a week, and I think it arrives about midnight Saturday night, and on Sunday morning about eight o'clock it is delivered to the post office, and is opened, and the people come for their mails. I was in-

vited by the people, who feel that they suffer great grievance in connection with it, to go down to the post office and see the condition of things. I went down about ten o'clock Sunday morning, and I saw thirty or forty people receiving their mail. It was the largest throng of people I saw at one time in that part of the country. They told me they had to do all their correspondence of the week on Sunday, and send it out on the train the next morning at four o'clock, and they considered it a great injustice to them. They only get their mail once a week, and Sunday is the business day of the week, because business men must attend to their mail on Sunday. I promised to bring the matter to the attention of the government, and I hope the government will see that the Sabbath is not violated, and that the people are not put to the inconvenience caused by having the mail arrive on Saturday night and the train leave at four o'clock Monday morning, making Sunday the business day of the week. Of course, the government has no control over the freight, but the cattle and all kinds of freight have to be shipped out on Sunday, because there is only one train a week, and that is a mixed train bringing in passengers and mail and merchandise, and taking the same out. But with regard to the mail, I think the government should have some control. I know in towns along the main line of the Canadian Pacific Railway the post offices are not open on Sunday, and people cannot get their mail on Sunday unless they have a box which they pay for; but in Yorkton, Saltcoats, Langenburg, and other places where the mail arrives on Sunday, they have to open the post offices on Sunday to distribute the mail. I hope the government will take the matter into their consideration and see that some other method of conveying the mail, or some convenient time, is adopted.

Hon. Mr. SCOTT—It is the desire of the government that every facility should be given, not only to the people of the North-west, but all over the Dominion, in the distribution of mail matter. This country is spending a considerable amount in excess of receipts in order that people may have every possible convenience in the matter of the receipt of mails. In the North-west I recognize that there are very serious difficulties in the way. The road in question, the Manitoba and North-western, does not run its trains with the usual frequency that other railways do, and that is, of course, due to the fact that it is in embarrassed circumstances. The railways seem to be rather in advance of the population of the North-west, and, as a consequence there is not traffic and trade enough to warrant a daily train such as we have in other portions of Canada. In reference to the particular day on which this train arrives at the point indicated, I think that is a matter that ought to be changed. It is perfectly clear, from the observations which have fallen from the two hon. gentlemen from that locality, that it is very improper that trains should arrive at important points at midnight Saturday, compelling people to receive their letters on Sunday. I shall be very glad indeed to draw the attention of the Postmaster General to the observations which have fallen from the two hon. gentlemen, and I have no doubt he will make every effort to remove the inconvenience now caused. As to the increased railway facilities for delivering mail, that he may not be able to arrange on account of expense; but so far as the time at which the trains run is concerned, the company ought to recognize the instructions given by the department, and I think that, practically, the hon. gentleman calling attention to it will have the desired effect.

Hon. Mr. BOULTON—With regard to the remarks which dropped from the hon. Secretary of State, that the railway had gone in advance of settlement, I might say that I have been there for seventeen years and I think the population was almost as large then as it is to-day. The York colony of which Yorkton is the centre, was established 14 years ago when a fine class of farmers moved in, that can hardly be called in advance of settlement for a railway company which is supposed to develop a prairie country ready for the plough.

THE VACANT JUDGESHIP IN BRITISH COLUMBIA.

INQUIRY.

Hon. Mr. MACDONALD (B.C.) inquired:

Is it the intention of the government to make an appointment forthwith to the judgeship vacant in British Columbia? If so, who has been selected to fill that important position?

He said:—I shall reserve making any remarks until I hear what the reply is.

Hon. Sir OLIVER MOWAT—It is the intention of the government to make an appointment to the judgeship vacant in British Columbia within a few days. The hon. gentleman asks further, "who has been selected to fill that important position?" That question implies that some one has been already selected. I cannot say that any one has been selected to fill that important position.

Hon. Mr. MACDONALD (B.C.)—I am very glad to hear that last reply. I put the question because I have seen in the papers a rumour that Mr. Martin, of Winnipeg, is spoken of for the appointment. I hope the government in all fair play and justice, will not do anything of the kind. The government has conferred the dignity of Queen's counsel on some legal gentlemen in British Columbia, and if none of them are fit to be appointed to the bench, they should not be Queen's counsel. I hope the government will not appoint a man who is really not a lawyer, and who has been discredited by his own province. He has caused a great deal of trouble in the country—he was the author of all the trouble in Manitoba and the large expense which it has involved, and to dump that man upon us would be an outrage. If it is done, it is something that you will not hear the last of for many a day.

Hon. Sir OLIVER MOWAT—I cannot assume to whom my hon. friend alludes, but, at all events, it is very plain, from what the hon. gentleman has said, that he is a man of very great ability and energy, two qualities, at all events, which are valuable in a judge.

Hon. Sir MACKENZIE BOWELL—I suppose the hon. Minister of Justice knows very well that his colleagues have been feeling the different members from British Columbia to ascertain whether they would acquiesce in the appointment of the gentleman who is possessed of that "great ability and energy" and that there has been some little kicking. If I may refer to a current rumour, on their part, against the "dumping," to use my hon. friend's expression, of that gentleman on the bench of British Columbia. Perhaps the hon. gentleman can tell us whether these earnest solicitations on the part of his colleagues to induce them to accept the gentleman, to whom reference has been made, have been successful.

Hon. Sir OLIVER MOWAT—I am not aware of any earnest solicitations on the part of my colleagues to induce them to accept the gentleman to whom the hon. member refers, or any other gentleman.

BILL ASSENTED TO.

The Senate adjourned during pleasure.

After some time the House was resumed.

The Hon. Sir Henry Strong, Knight, Chief Justice of the Supreme Court of Canada, Deputy Governor, being seated at the foot of the Throne.

The Honourable the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House: "It is the Deputy Governor's desire that they attend him immediately in this House."

Who being come with their Speaker,

The Honourable the Speaker of the House of Commons addressed His Honour the Deputy Governor as follows:—

MAY IT PLEASE YOUR HONOUR:—

The Commons of Canada have voted the supplies required to enable the Government to defray certain expenses of the public service.

In the name of the Commons I present to your Honour the following bill:—

"An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service for the financial year ending the 30th June, 1897, and for other purposes relating to the public service," to which I request your Honour's assent.

Then the clerk of the Crown in Chancery read the title of the said bill.

To this bill the clerk of this House, by his Honour's command, did thereupon say:—

In Her Majesty's name, His Honour, the deputy of His Excellency the Governor General thanks Her loyal subjects, accepts their benevolence, and assents to this bill.

The Deputy Governor was pleased to retire, and

The House of Commons withdrew.

DISMISSALS OF GOVERNMENT EMPLOYES IN PRINCE EDWARD ISLAND.

INQUIRY.

Hon. Mr. FERGUSON (P.E.I.)—Before the Orders of the Day are called, I should like

to ask the members of the government why the important letter relating to dismissals of fishery officers in Prince Edward Island, which did not form part of the papers brought down the other day, and to which I have already called attention, has not been yet laid on the table of the House; and also, why the hon. gentlemen have not presented the papers relating to dismissals of railway employés? All these papers were ordered by this House on the 3rd inst. and it is time that they were completed.

Hon. Mr. SCOTT—The letter written by Lord to McBride was not in the department at Ottawa. On my calling the attention of the Minister of Marine and Fisheries to the matter he told me that he had never heard of the terms of that letter until his attention was called to it by myself. I hold in my hand a letter from Mr. Davies, dated yesterday, in which he says that no instructions of any kind were given by him to Mr. Lord which would warrant or justify such a letter as that from Mr. Lord to Mr. McBride, published in the Senate Debates. He says he has no doubt that he instructed Lord to give McBride notice that his services would not be required after the 30th June, Mr. Lord having informed him (the minister) that McBride's engagement ended that day. He afterwards found that Mr. Lord was wrong and that McBride was an officer appointed by Order in Council, and, he adds, "His services were subsequently dispensed with." In a postcript he says that he will write Mr. Lord at once for a copy of all letters that he has on the subject.

Hon. Mr. FERGUSON—I presume this letter will form part of the record.

Hon. Sir MACKENZIE BOWELL—How could it be possible that McBride's term of office expired on the 30th June when he was appointed by Order in Council? All gentlemen appointed by Order in Council hold office until removed for cause, so his time could not have expired.

Hon. Sir OLIVER MOWAT—The letter says that the information in the first place was a mistake.

Hon. Sir MACKENZIE BOWELL—He goes further and says he has no doubt he instructed Lord to give McBride notice that his services would not be required after the 30th June, as his engagement ended that day. His engagement did not end that day, as my hon. friend knows, because he was appointed under Order in Council. If he were a man employed by the month or by the year, the minister's statement would be correct, but under the circumstances, it is not correct.

Hon. Mr. FERGUSON—I think it can hardly be possible that the impression prevailed that the employment terminated on the 30th June, because, if so, there would have been no necessity for the notice.

NORDHEIMER DIVORCE BILL.

THIRD READING.

Hon. Mr. GOWAN moved the adoption of the fifth report of the Standing Committee on Divorce *in re* Nordheimer Relief Bill. He said:—The evidence in this case was taken before the committee, and every allegation in the bill was fully proved to the satisfaction of the committee. We had no hesitation whatever in recommending that the prayer of the petitioner be granted.

The motion was agreed to.

Hon. Mr. CLEMOW moved the third reading of the bill.

The motion was agreed to, and the bill was then read the third time and passed.

The Senate then adjourned.

THE SENATE.

Ottawa, Thursday, 24th September, 1896.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE CASE OF J. L. PAYNE.

Hon. Sir MACKENZIE BOWELL—Before the Orders of the Day are called, I should like to call the attention of the Secretary of State to the return laid on the table of the House a few days ago in reference to the examination of Mr. Payne. I understood, from the papers laid before the House, that in the correspondence between Sir Charles Tupper and His Excellency an opinion was given by the Minister of Justice

upon the power of the council to overrule some of the questions put to the parties who were to be examined. I refer to the late Minister of Justice, not the present leader of this House. All this took place before my hon. friend assumed the responsibility of the office which he now fills. I find that that opinion is not among the papers; I think it is material to the proper discussion of the whole question. I might also call attention to the fact that immediately after these papers were laid upon the table of the House of Commons on the 16th of this month, the Clerk of the Privy Council submitted a number of other letters, at the same time commenting upon the return laid upon the table of the House of Commons and giving his own version of certain acts which had taken place, and of his own conduct in reference to the matter. Now I am not aware that the clerk of the Privy Council had been attacked by me or any other member—certainly not in this House. My only object in moving for the papers was, as I intimated at the time, to ascertain how it was that a gentleman with the known educational abilities of my late secretary, should have been plucked in the examination. It strikes me that it is altogether irregular for any officer of the government to submit his individual opinions and explanations, until at least he was asked for them by his superiors, or by the minister presiding over the department of which he is a clerk. I noticed in that memorandum that he, in his dignity, states that he did not deem it necessary—or words to that effect—to read a certain document which had been submitted to him by another official, one of the examiners, Mr. Waters; yet while his dignity would not permit him to read a confidential letter submitted to him by a fellow officer, he offers to this House and the Parliament of Canada, his own individual opinions and explanations on papers which were laid before the House, without being asked for such opinions. I call the attention of the hon. gentleman to this fact, and ask him if he would kindly ascertain why that opinion of the late Minister of Justice has not been incorporated with the papers.

Hon. Mr. SCOTT—I will make the inquiry. I was not aware that an opinion had been given. I asked for all the papers connected with the case, and this parcel was handed to me. I brought them in first and showed them to the leader of the opposition, and he intimated there was some correspondence missing. Then I learned there was the correspondence in which Mr. Thorburn took part, and it was held until that correspondence could be obtained. I will make inquiries for that document.

THIRD READINGS.

Bill (11) "An Act to revive and amend the acts respecting the St. Clair and Erie Ship Canal Company." (Mr. MacInnes, Burlington.)

Bill (10) "An Act to confirm an agreement made between the Grand Trunk Railway Company of Canada and the Canadian Pacific Railway Company."—(Sir Mackenzie Bowell.)

HUDSON BAY AND PACIFIC RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. BOULTON moved the third reading of Bill (12) "An Act to incorporate the Hudson Bay and Pacific Railway Company."

Hon. Mr. POWER—I propose to say a few words further with respect to this bill. I wish to be distinctly understood as not being opposed to giving to the North-west every possible facility for getting out the fruits of the harvest of that section of the country. I am perfectly aware that the discovery of a short and cheap route to the English market would be of the greatest possible benefit to the farmers of the North-west—that the value of every bushel of wheat raised in that region would be increased by just as much as the cost of transportation from the harvest field to the English market was reduced. Inasmuch as the people of the North-west are so deeply interested in this question, I think we are the more bound to be careful in legislation which deals with it. The expectations of the people are naturally excited, and while we should do everything we can—everything that is reasonable and within our power—to realize their expectations, on the other hand, if we have reason to believe that there is no probability of those expectations being realized, we should do what we could to

prevent them from being entertained. My objections to reading this bill a third time are three; in the first place, I contend that by passing this bill we affirm the practicability of the scheme. The scheme proposes a railway from Calgary, on the Canadian Pacific Railway, to Port Churchill, on Hudson's Bay, and it also proposes a railway from the eastern end of Lake Athabasca to Port Churchill. Hon. gentlemen are not in a position to affirm the practicability of this scheme. As to the northern line, from Lake Athabasca to Port Churchill, I think I am safe in saying that the route has never yet ben travelled by a white man. An explorer, Mr. Tyrrell, was in the barren lands a year ago, but he did not cross from Lake Athabasca to Churchill. He went north, down the rivers to Chesterfield Inlet, hundreds of miles to the north, and then came down along the coast of Hudson's Bay to Port Churchill. As far as I am aware, no white man has ever yet travelled over the route which is proposed for this railway. We know that it is a land of swamp and rock, and that there is very little else there. It is a land where, I believe, the musk ox is to be found, and some reindeer; but we have no reason to suppose that it is a region through which it is practicable to build a railway. The line would run almost exactly upon the 59th parallel of north latitude, and in the region, adjoining Hudson's Bay, that is, as we know, a very cold latitude, the land is barren, and the country almost impassable. With respect to the other part of the scheme, I do not think we are in a position to say that it is practicable. The question has been before the country and before parliament for a great many years. If I remember correctly, the first occasion on which it was brought before Parliament, was when it was introduced in this House by the hon. gentleman who then represented the Victoria division, the late Hon. Mr. Ryan. He made a speech in this House some eighteen years ago, in 1879 I think it was, in which he spoke of this scheme. Some time afterwards, in the session of 1884, a committee was appointed by the House of Commons to consider the matter. That committee had not a great deal of information at its disposal and recommended, if I remember rightly, that the government should send an expedition into Hudson's Bay for the purpose of ascertaining whether or not the straits and bay were navigable during a sufficiently long period of the year to enable that route to be used for the purpose of carrying out the products of the North-west. The gentleman who was selected to command that expedition was the late Lieutenant Gordon, of the Royal Navy. He went there during three successive years, 1884, 1885, and 1886. Observers were stationed at some six points in the straits and bay—at two points, I think in Hudson's Strait and at three or four points in the bay. In the pamphlet which has been submitted by the promoters of this scheme I find Lieutenant Gordon's final report, made after an experience of three voyages and after having received the reports of the observers who had spent two years there. This is what Lieutenant Gordon said in his final report:

> I think it well to state that I am not required to report on the commercial aspect of the case, or whether Hudson's Straits navigation can be made to pay, nor do I in the seasonable limits given me undertake to state that it is impossible for a ship occasionally to get in earlier or leave later; but having carefully considered the subject, I give the following as the season during which navigation may in ordinary years be regarded as practicable for the purposes of commerce, not indeed to the cheaply built freight steamer, commonly known as the "ocean tramp," but to vessels of about 2,000 tons gross, fortified for meeting the ice, and of such construction as to enable them to be fair freight carriers. I consider the season for the opening of navigation to such vessels as the above, on the average, will fall between first and tenth of July; the closing would be about the first week in October.

That is the highest and best authority that we have on the subject at present. That is the report of a government officer who was charged specially with the duty of inquiring into the matter.

Hon. Mr. SULLIVAN—Were there not reports of others favourable to that route?

Hon. Mr. POWER—I quite admit that some observers thought that there would be a few weeks longer navigation, but I say that this is the best authority we have—this is the gentleman who was charged by the government of Canada with the duty of making the inquiry. He took the best means of ascertaining the facts. He placed observers in different positions, who reported the results of their observations during two years.

Hon. Mr. BOULTON—Were not his two first reports more favourable?

Hon. Mr. POWER—I do not think they were. At any rate, this is Lieutenant Gordon's final report. I have looked over some of the other reports.

Hon. Mr. BOULTON—That report was manufactured to order.

Hon. Mr. POWER—That is a very serious charge to make against a public officer who, unfortunately, is not alive to defend himself. I think it unfair to assume that that report was manufactured to order, because I am not aware that the government of the day were hostile to the Hudson's Bay scheme. My own impression is that their actions rather indicated that they were favourable to it.

Hon. Mr. BOULTON—It was a question of policy.

Hon. Mr. POWER—I quote from page 15 of the pamphlet, to which I have already referred, and I give the conclusion which the author of that pamphlet, and one of the promoters of this scheme, deduced from the Canadian government's inquiry :

> The Canadian government sent three expeditions to the strait and bay, 1884-85-86, under command of Lieutenant Gordon, in all of whose reports the period of free navigation is placed at four months.

As a matter of fact it was only three months; the writer has made a mistake, because he placed it at three months. Admiral Markham gave about three weeks longer than Lieut. Gordon. He says :

> I believe the strait will be found navigable for at least four months of every year, and often five or more.

Admiral Markham made only one voyage there, and it may have been made under exceptionally favourable circumstances. Lieutenant Gordon made three voyages, and had observers there for two years. The best information which we have is that Hudson's Bay and Strait are not navigable late enough in the autumn to allow the season's crop to be exported. There is not only the difficulty of the navigation of the bay and straits, but there is the difficulty of keeping the railway open from Lake Winnipeg to Hudson's Bay.

Hon. Mr. MACDONALD (B.C.)—What has this House to do with that? This House has not to keep the road open.

Hon. Mr. POWER—The view I take is this; that this parliament has no right to sanction a scheme which is not practicable. I think that is a sound principle. We see the evil of departing from that principle. In England, parliament would never pass a bill to incorporate a company to build a railway which was impracticable. They are very much more careful there than we are here. I think we should imitate their carefulness. Unless I am misinformed, in the province of Ontario it has been the practice not to pass a railway charter unless it is shown that the scheme is practicable; and, further, I think the general practice is that the promoters of the scheme shall submit a plan and profile and other details to show that the work is entirely practicable, and that it is likely to be of a paying character, or at any rate that it is a legitimate business enterprise. Now, hon. gentlemen, the misfortune of departing from this conservative principle is manifest; just look at the cases of some of the undertakings which this parliament has chartered. There was the Caraquet Railway, in New Brunswick. We gave the company a charter to build that railway. Capitalists in England, misled by the language of the prospectus, put their money into that railway, thinking that a project which had the stamp of this parliament must be a practicable and valuable scheme. They have lost their money, and the consequence has been that the character of Canadian railways, as a whole, has been seriously injured by the charter which we gave to that undertaking. Hon. members have now, I presume, either on their desks or otherwise in their possession a letter from Mr. Provand, representing the Chignecto Railway Company. That is another instance where parliament, by giving a stamp to an undertaking which was not a practicable business undertaking, has done immense harm to innocent people in England. These people now would be only too delighted to get their money out of the undertaking. That is one ground which I take, that we should not stamp with the authority of parliament and our sanction, a scheme which, there is great reason to believe, is not a practicable one at all. Hon gentlemen say "let us give them the charter; that does not bind us to do anything more." But as I said the other day, the granting of the charter is only the first step. The hon. gentleman on the other side of the House said that the promoters

of this work intended putting their own money into the scheme, and were not asking for any money from Canada. I turn to page five of the pamphlet, and I find that the promoters tell us that a syndicate has been formed with the object of providing for this road, and for a government grant in money and land in aid thereof, and also a bounty for steamers running between the railway terminus at Fort Churchill, and the United Kingdom. So that hon. gentlemen will see that we have from the promoters themselves the distinct avowal that they are simply asking for the charter, as the first step towards asking parliament to subsidize the undertaking. We know very well such an undertaking could not be proceeded with at all, except upon capital practically furnished by the people of this country, and I think, for that reason, before we enter into a scheme which may ultimately lead to the voting of large sums of public money, that we, as the representatives of the interests of Canada, are bound to see that the scheme in which this money is to be invested, is a practicable and reasonable scheme. That is the second ground on which I object to this measure. As I understand it, the present government are pledged to cause a further inquiry to be made with respect to the navigability of Hudson's Bay and Strait, and I think that at any rate parliament should not take any action in this matter until there has been a report of the observations made under the authority of the government. My third objection to the scheme is this; the people of Canada have expended large sums of money in the construction of railways and canals for the purpose of affording free ingress and egress for freight and passengers between the North-west and the older provinces. A very great proportion of the public debt has been incurred for that purpose, and now we shall be called upon, under this scheme, to vote more public money for the purpose of rendering unprofitable the investments which the country has made in the past. I do not say, if it were clearly established that this undertaking was a practicable one, that our duty to our friends in the North-west might not be to grant the charter and perhaps grant some assistance for the construction of this railway; but as it is, I think it is an altogether wrong and improper policy to try to render useless, as far as parliament can, the vast expenditures which have taken place in opening up that North-west country, and affording the existing means of communication. We simply spend a great deal of money, and then if the scheme which the promoters of this bill have in view is in any degree successful—if it gets so far as to have the work constructed—we shall be spending large sums of public money to render those former large expenditures useless, and for that reason I propose to vote against the third reading of the bill.

Hon. Mr. MACDONALD (B.C.)—I would point out to the hon. gentleman that when the Canadian Pacific Railway was built, no one knew then whether it could ever be successful. The government gave a large amount of money and land to that enterprise; but this company ask for a charter, and let them build the road if they can.

Hon. Mr. POWER—I have read all that.

Hon. Mr. MACDONALD (B.C.)—There is no request for a subsidy of any kind, and it is a new function for this House to find profitable speculations or investments for those who may want them. We cannot judge these matters, whether they will pay or not. I say nothing about the scheme itself; it is not a function of this House to say whether any scheme of the kind is good or bad. We can express our opinions, but we should not refuse a charter because some of us think it is not likely to be a paying concern. That is not our business. It is the business of the incorporators, and one of them is Capt. Markham, the man who has explored furthest north, except Nansen. He would not put his name to a thing of this kind if he did not believe it was practicable. The country north of Lake Superior was considered to be very impracticable at the time the Canadian Pacific Railway was built, to be rocky and swampy, with very deep snow, and there was supposed to be a great deal of bottomless swamp from Fort William to Winnipeg, but all those theories have been dispelled and the road was built, and a fine road it is. Although the country from Churchill to Calgary has not yet been surveyed, the road may be built, and it may be found a very good line. I am surprised at the hon. gentleman's arguments. They are untenable and quite new in this House—that we should be the judges whether a scheme is practicable or not. That is for

the company to find out, especially as they are asking no favour in this House.

Hon. Mr. LOUGHEED—I had occasion the other day to refer to the reputation for cautiousness which my hon. friend from Halifax had attained in this House, but I must confess, since I heard his remarks in regard to this particular bill, I have been led to depart somewhat from that opinion. My hon. friend, in all seriousness apparently propounds the very mischievous doctrine that this House should affirm in all bills the practicability of the scheme, and I presume that includes in its widest phase every element of practicability which enters into a scheme, its feasibility, its financial results, and all the other considerations attached to a large enterprise of that kind. Now I can very well concieve of my hon. friend sitting around the committee table, in railway room number eight, and seriously contemplating this very large question as to whether this scheme, that railway enterprise, and the other commercial concern are practicable. I however must confess that I would not care, as a member of this House, to assume a responsibility of that kind, or to be a party to placing upon the statute-book of this country any pronouncement upon so important a question as the practicability of any scheme. My hon. friend surely would not assume to himself the capability of inquiring into the feasibility of every railway and commercial enterprise that may come before the various committees of this House. I would fancy in regard to large railway enterprises particularly, it would require one to have some little knowledge of the local conditions with which such a railway as this would be invested, that it would require one to have some little knowledge of the engineering possibilities or difficulties of such an enterprise, that it would require one to have some little knowledge of all the various branches of knowledge which must necessarily enter into every undertaking of this kind, before one can pronounce upon such a subject. But my hon. friend impliedly says not. My hon. friend would apparently charge the committee with the responsibility of deciding upon the practicability of all those schemes. I must say that I, for one, as a member of that committee, would certainly protest against assuming any such responsibility, and I feel satisfied that this House will not for a moment affirm the principle which my hon. friend seeks to lay down and to incorporate into every bill of this character. My hon. friend has worked himself up to a state of unnecessary apprehension in regard to results which must flow from the incorporation of this company. My hon. friend expresses himself as being very doubtful as to any fertility in the land through which this railway passes. He makes the statement that it traverses a district of country known as the barren lands, over which no white man has passed, concerning which we have no knowledge whatever, and regarding which we are in a state of perfect ignorance, and yet, in the next breath, my hon. friend goes on to state the character of this particular land. He states that it is swampy, that it is not fertile, that it is valueless, proving conclusively to our minds that my hon. friend has information of a particular kind of the character of the country to be traversed by this railway. Now, my hon. friend will find it somewhat difficult to reconcile that with the statement he has just made that we have no knowledge upon it, and the other statement which he has given us regarding the quality of the land, and the geographical and climatic conditions of that particular district or territory. My hon. friend also assumes to deal with a very large question, a question which has puzzled the public men, not only of Canada, but of Great Britain for a century past, namely the navigation of Hudson's Straits. Now, that is a pretty large question to decide upon the floor of this House, or in the committee room. And yet my hon. friend would be so reckless, apparently, as to assume the responsibility of pronouncing upon this very large question and thus affirming a principle in that bill of saying whether Hudson's Straits are navigable or not. I do not assume to go into that phase of the question. The blue books of the Dominion of Canada, as well as many of the blue books in Great Britain, go into it very comprehensively; and for us to say that we are to determine so large a question as that, in deciding upon the bill, seems to me to be unreasonable and not to be thought of for a moment. What I submit to this House is this, that when responsible parties come before this House and come before the committee of this House, and lend their names as incorporators to an enterprise of this character, that we should be prepared to accept the representations which they

may make in reference to that enterprise, and to give them those corporate powers that they ask, particularly when they are of such a character as have many precedents, and as already fill our statute-books. And if a number of such responsible individuals, as in this bill, consisting of gentlemen in England occupying high official position, consisting of gentlemen in Canada who are well known railway contractors, consisting also of local men in the vicinity through which this road may pass. will come to this House and say they desire a charter for a railway running through that particular district of country, then, I think, we are bound in all fairness, and with a view of developing the resources of that vast country, to say to them, "If you think it is feasible to build that road through that district of country, we are quite prepared to give you the charter powers for which you ask." If this were not the principle which should enter into the consideration of such legislation, it would be utterly impossible to place a bill upon our statute-book ; it would be utterly impossible to secure any of those enterprises which alone are calculated to open up that vast country in which we are all deeply interested, and regarding which no doubt my hon. friend from Halifax is as anxious as the rest of us to see developed. I therefore think that under these circumstances the House should not take into consideration the difficulties which have been pointed out by my hon. friend, but simply accept the *bona fides* of the corporators as to their willingness to assume the undertaking, and to express the hope that they may be successful in carrying out to a satisfactory consummation this large enterprise which they have in view.

Hon. Mr. BOULTON—In moving the third reading of this bill I did not think it necessary to make any remarks upon the merits of the question, but as my hon. friend from Halifax has felt it necessary to put on record his view in opposition to the scheme and to discredit it in the eyes of the world so far as any utterance of his can do so, I feel it incumbent upon me to say a few words in reply. The hon. gentleman has never been in the North-west and is quite unacquainted with the aims, requirements, ambitions or capabilities of the people who reside there. I have lived there for seventeen years and I am surrounded by and associated with people who are fixed in their minds as to the feasibility of the Hudson's Bay route, and as to the necessity of developing it in the interests of that great western country. We are not at all discouraged by any ideas that are put forth by those who are opposed to that route. We see that the Canadian Pacific Railway is in existence today, though at one time, in the minds of a great many, it was thought to be a wild scheme and one which would be impracticable. But what has been the result of the construction of that road? The result is that the Canadian Pacific Railway earns a revenue of $20,000,000 a year and that it covers 6,000 miles of Canadian territory, although for 2,500 miles, between Ottawa and the Rocky Mountains, the population is exceedingly sparse. If any one says that the construction of the Hudson's Bay Railway, between Port Churchill and the interior of the North-west, is impracticable and can never be self-supporting, he has only to realize what has been accomplished by the Canadian Pacific Railway to cause him to change his mind. In the case of the railway project which is now under consideration, we have, on one side, a short ocean route to Europe, and at the other, termini in the interior in one of the finest agricultural fields, the nearest food producing country to the British Isles, yet undeveloped in the world—a country that can hold up the fair fame of Canada in the growth of cereals and in the production of cattle as well as the most favoured district in the eastern provinces. In the production of wealth by the people who reside in that country, it is essential for their benefit that they shall have such competition as can be given in order to cheapen the rates that they have to pay to reach the markets of the world for the sale of their products. This road offers a fair opportunity to secure that competition. It will not interfere with the prosperity or the prospects of the Canadian Pacific Railway. because it will develop a field entirely its own. The further north and west you go into the interior of that great country, the nearer you get to Hudson's Bay, the less opportunity there is for developing the natural resources in consequence of the exceedingly great length of railway that would be necessary to reach the seaboard by any existing route: therefore, the development of this proposed route to Port Churchill is

necessary for the opening up of that section of Canada. So far from interfering with the prospects of eastern trade, or the traffic of the Canadian Pacific Railway, it will have the opposite effect. The navigation of Hudson's Bay and Straits extends so far as we are aware, between three and four months : consequently, whatever development takes place in the North-west in consequence of the successful carrying out of this scheme, will go to the benefit of eastern ports of Canada for seven or eight months of the year. For eight months of the year the travel and traffic must confine itself to existing channels in the east, and to the extent that the prosperity of the west is increased by the construction of this road, to that same extent will the prosperity of Eastern Canada be increased by that additional development. The hon. member from Halifax has thrown cold water on the scheme.

Hon. Mr. POWER—No, ice.

Hon. Mr. BOULTON—The hon. gentleman possesses in Nova Scotia one of those articles of commerce that will thaw that ice, in the magnificent coal beds which exist there. If he realized to the full extent what this project would do for the province of Nova Scotia in conveying coal rom Halifax to Port Churchill and taking back cargoes of fish, or wheat, which they require in the east, he could understand how this enterprise would benefit his own province. Where I reside we have to pay $14 a ton for coal. It is a cold country and the cheaper coal is transported the warmer we will be able to keep ourselves. If the Hudson's Bay route were opened up, we would have competition in the coal from Nova Scotia, the coal from Great Britain, the coal from Pennsylvania brought over the Canadian Pacific Railway, and the coal in our own western country. We have abundance of coal in the west, but if we are tied down by the monopoly which exists, having coal mines served by only one railway, naturally the price will remain at $14. One way to bring it down is by competition. Nova Scotia is on the sea board, Churchill Harbour is on the sea board, and in the Hudson's Bay there are magnificent fishing privileges, while in the North-west we have what in return will furnish return cargoes for what we buy from the people of Nova Scotia. If the hon. gentleman was more of an economist and less of a diplomatist he would fill a more useful purpose than he does in his present opposition. The hon. gentleman has referred to the shortness of the season in Hudson's Bay and has quoted Lieutenant Gordon's report. The remark I made a little while ago was not intended to throw any discredit on that officer, for whom I had very great respect indeed; at the same time, the first two reports that Lieutenant Gordon made of that route were favourable, while the third report was couched in unfavourable terms. It may have been made at a time when the government were desirous of postponing action in the matter—at a time when their policy was not to encourage, but to take the stand which my hon. friend has taken to-day, and discourage the route which this project is intended to develop—that it was a question of policy with them as it now appears to be a policy with him. I had no intention of throwing discredit on Lieutenant Gordon. I can tell the hon. gentleman that the insurance companies in Great Britain insure all kinds of vessels destined to Hudson Bay's up to the first of November. That is the best evidence we can have as to the possibility of navigation in these waters up to that date by those who are accustomed to deal with the navigation of northern waters. If there was danger or detention at any time before that date, the insurance companies would not carry risks to the first of November. The hon. gentleman said that this company might come back to parliament and ask for aid. The policy of this country for years has been to give a subsidy of 12,800 acres of land per mile from the boundary of Manitoba to Port Churchill, and 6,400 acres per mile for the portion of the route within the province of Manitoba. In addition, they have agreed to give an annual subsidy in aid of the enterprise for a number of years. The country is still committed to that policy. Whether these subsidies shall be still utilized or whatever is to be done with them, it is not unreasonable to say that the lands which at the present moment are worthless should be utilized to assist an enterprise which will bring them within the reach of settlement. I have already expressed myself as averse to alienating these lands, but that they should be made the basis upon which a guarantee of bonds could be made, for which the company should be ultimately responsible. However, as I said before, the hon. gentleman has more influence with the

government now in power than he had with the late government, and if he feels that the resources of the country are likely to be wasted, he should use his influence to prevent it, but that is no reason why private individuals, responsible men who seek this charter and are prepared to use their own resources and energies to develop an important section of Canada, should be baulked in their efforts. It would be the first instance in this country of any such attempt succeeding. The hon. gentleman says that the line runs through a swampy and rocky country, totally unfit for settlement and utterly valueless; I might inform him that the distance from navigation on Lake Athabasca to Port Churchill is only 400 miles. When the line touches the highest point of navigation on Lake Athabasca, which is on a river running into the lake, it opens up a navigation of 800 miles in that northern country.

Hon. Sir MACKENZIE BOWELL—For how many months of the year?

Hon. Mr. BOULTON—About four or five months, and four months, as the hon. gentleman knows, is quite sufficient to develop a large trade in this country. For many years, in the early history of Quebec and Ontario, the period of navigation on the St. Lawrence was much shorter than it is to-day. What I wanted to point out was that the construction of a road from Port Churchill to Lake Athabasca would open up 800 miles of unobstructed inland navigation, and that the products of that northern and north-western region could be carried in vessels to a point at the east end of Lake Athabasca, which is within 400 miles of ocean transport. It would open up a trade which cannot be developed by railway transportation from the eastern part of Canada, the distance being too great. At one point on that 800 miles of internal navigation there is one of the largest deposits of pitch or petroleum, whichever it may prove to be, yet discovered on this continent, and the construction of this railway will bring it within easy reach of the markets of the world. The day may come, if this road is built, when coal oil produced in that northern region may be sold to the hon. gentleman in Halifax at a lower price than he can purchase coal oil for to-day. Such thing are quite possible. We know that petroleum is produced mainly in Russia and the United States at present. I only hope that a deposit of petroleum may be developed in the Northwest which will equal those which have produced such enormous wealth in the United States and Russia, but which can only be developed by giving it access to the markets of the world. This House is better acquainted, probably, than any equal number of people in Canada with the resources of the Mackenzie basin, in consequence of a committee that was appointed, and which took evidence and collected information from various sources—a legacy that the late Governor Schultz left to this country—in bringing to public notice the resources of that great region. I think this House thoroughly realizes the advantage and necessity of developing that northern country. They have to rely upon the intelligence, industry and enterprise of the people in that western country, to guide them so far as the interests of that section of Canada are concerned. This bill has become law so far as the House of Commons is concerned. It has passed its first and second readings here and been reported by the Railway Committee, and I hope the House will not allow it to be checked in its last stage.

Hon. Mr. ALMON—Will the hon. gentleman tell us the rate of insurance for vessels trading to Hudson Bay?

Hon. Mr. MACDONALD (B.C.)—Two per cent.

Hon. Sir WILLIAM HINGSTON—I have no intention of opposing the third reading of this bill, but as I fear certain hon. gentlemen's remarks may have the effect of influencing unduly those who may be disposed to invest money in this enterprise, I wish to state that I do not share those views at all. Private enterprise should have full scope, but at the same time it is but right to warn capitalists not to be carried away by the eloquence of the hon. gentleman from Shellmouth and of other hon. gentlemen. I happened to be at a meeting of the British Association for the Advancement of Science some years ago in England when this very question of the feasibility of the navigation of Hudson's Bay and Straits was brought up, and I recollect the opinion then expressed of it by Dr. John Rae. When I mention his name he will be recognized

by most of the hon. gentlemen of this House as one who had no superior in a knowledge of those sub-arctic regions. Dr. John Rae said at that meeting that there were some years when navigation might perhaps be carried on in Hudson's Bay for three or perhaps three and a half months; but, he added, "I have seen years when there were not six weeks during which a vessel could be brought in and taken out." Recollect, Dr. Rae had been in those regions seven years searching for the remains of Sir John Franklin. He had, therefore, admirable, though painful facilities, for becoming familiar with the climatic features of the country. I lay claim to no personal knowledge of the question, but I should be very sorry if any remarks fallen from hon. gentlemen in this House should be made use of by those who wish to float the scheme. In making a comparison between the Canadian Pacific Railway and this projected railway, the comparison is between two things which are entirely dissimilar. By this proposed route traffic will go during at least nine months of the year to a frozen bay, while the Canadian Pacific Railway goes from an open ocean to an open ocean, and freight carried by that route can reach the other side of the Atlantic without hindrance from thick ribbed ice.

Hon. Mr. BOULTON—Rival influences.

Hon. Sir WILLIAM HINGSTON—The cases are not parallel—there is no comparison between the circumstances of each—and there cannot be, nor should there be any rivalry—and as to interfering with the Canadian Pacific Railway and its interests—that is not a matter which we require to take into consideration. The Canadian Pacific Railway can stand upon its own basis. All I wish to say is this, that when we sanction such an enterprise, and it is our intention to sanction it, I suppose—we should be careful not to paint the project in such bright and alluring colours as to entice and decoy investors.

The motion was agreed to and the bill was read the third time and passed.

The Senate then adjourned.

THE SENATE.

Ottawa, Friday, 25th September, 1896.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

EMIGRATION TO BRAZIL.

INQUIRY.

Hon. Mr. POIRIER rose to

Call the attention of the government to a letter published by one Mr. Gualco, in the Montreal *Star* of the 21st instant, in which it is stated that 579 Canadians were shipped to Brazil, per steamer "Moravia," on the 15th of this month; and inquire whether or not it is the intention of the government to enact during the present session such legislation as will to some extent protect or secure the indemnification of our people so induced to go abroad, in case the representations made by emigration agents are not fulfilled?

He said:—Mr. Gualco, as I understand, is one of the many immigration agents that are working for the Brazilian government in order to induce emigrants from all parts of the world to settle in Brazil. I understand that the Brazilian government favours immigration to a degree that has not been attained in our own country. They pay the passages of the immigrants and induce them by means of very attractive promises to go to Brazil. More than that, it is apparent—nay, it is a fact—that these agents, who display such zeal, are working on commission—in reality, it is a matter of traffic. This is not the ordinary emigration as we have it, unfortunately, from this country to the United States, or from other countries to Canada; it is not a case of people moving voluntarily and of their own accord, but a matter of speculation, recalling only too closely the traffic in Africa in human beings. Those agents receive commissions for all the emigrants they send to Brazil, and, like other agents, are lavish in promises, very unscrupulously made, and from what I can ascertain, very seldom fulfilled. I see, amongst the regulations of the Brazilian government, that article 16 of the decree of June 28th, 1890, enacts that navigation companies which may have brought at least 10,000 immigrants during the year shall have a right to a premium of one hundred thousand francs. Therefore, hon. gentlemen, it is a matter of speculation, the basis of

which is, of course, to get immigrants—speculation of the worst kind, speculation in human beings. Our people, unfortunately, follow other people, many of them from Great Britain, and especially from Ireland, a large number also from Spain and Portugal. Those people are not actually coolies, but their condition is hardly any better. It is really too bad that our government, who are spending so much money in keeping immigration agents in England, France Belgium, in Scandinavia and in Newfoundland, should have to deal now, not with immigration, but with emigration, and emigration of this character. It is indeed sad. I remember the time when the soup kitchen was flourishing. That was sad enough, but if we have to come to dire extremities give us back the soup kitchen and let us try to prevent this immoral immigration.

Hon. Mr. DEVER—How immoral?

Hon. Mr. POIRIER—The hon. gentleman is thinking of some other immorality. His notions of this matter and mine run in different grooves. The immorality to which I refer is not the one he has in his mind.

Hon. Mr. DEVER—It is the natural deduction from your expression.

Hon. Mr. POIRIER—Here is the letter to which I refer. It is addressed to the Editor of the *Star*, dated 21st September:

SIR,—I am just back from Quebec, where I left, on her way to Santos, the steamship "Moravia," with 579 passengers on board. They were all well and happy. In counting the passengers I found that sixty-five families backed out; but I am at ease, as Mr. Hoolahan told me he would provide for them. Each head of a family on board on the "Moravia" had a copy of the statement made to the Mayor of Montreal, the original of which was signed by Dr. Americo Campus, Commissioner for the Government of San Paulo.

I seize the present opportunity to thank all the newspapers, English and French, that assisted me in the hard enterprise which *La Liagure Braziliana* started, to establish a postal and commercial line of steamers between Canada and Brazil.

The first steamer sailed on the 15th, at noon, and I hope, with the same assistance, I will be able to send the second steamer very soon, as I have already secured the cargo.

I regret very much that a valuable paper disappeared from the battlefield, but if I am not mistaken, the "captain" of the lost paper is on the ground yet, in company with other friends of mine, and I hope he will do his best to help *La Laigure Braziliana* in its difficult and hard work.

Thanking you for your consideration, I am, etc.

F. A. GUALCO.

The first cargo, hon. gentlemen, consisted of 579 passengers, and now, despite all the efforts made by the press, the Montreal press especially, both English and French, this gentleman is assured of a second cargo and I hear from reports, which seem reliable, that the company will not get their second cargo in Montreal, but intend to take it in Quebec and afterwards will likely proceed down to the lower provinces.

Hon. Mr. DEVER—Not much.

Hon. Mr. POIRIER—So that the matter is assuming very grave proportions. To this letter of Mr. Gualco's is added another letter from the Brazilian Consulate to His Worship the Mayor of Montreal, which, for the edification of this hon. chamber, I will also read:

Statement of Dr. Americo Campus, special commissioner of emigration to Brazil from Canada, made this morning verbally before His Worship Mayor R. Wilson-Smith and Hon. Judge Dugas, as follows:—

The emigrants arrive in Santos, the seaport of San Paulo, and are received by the official agent of the government, who will transport them free to the railway station near the wharf. In two hours they will arrive at the capital, where the provincial government houses for emigrants are situated. There they will remain under the protection of one director and the employees of the government.

The dwelling is large and healthy, and there will be an official surgeon in attendance at the expense of the government. They will remain there until the proprietors contract with them for their services.

The proprietors pay their fares to the farms, where they will have good food and dwelling free. They will also have a piece of land free to cultivate for their own use, and they can also sell the surplus they raise for their own profit. The wages paid to emigrants is about twenty dollars per month, besides the food, etc., mentioned before. They each save their wages, father, mother and children over twelve years old.

There is a particular inspector charged to take care of emigrants. The weather is excellent, the winter not too cold or too hot. The government has provided that the Canadians shall be specially regarded. Each family has a separate house where they can reside, and besides vegetables, etc., they can raise domestic animals. All tools are supplied free of charge. They are at no expense whatever until they arrive at the farm.

(Signed)

DR. AMERICO DE CAMPUS LOHIMBO,
Comissaris de Governo de San Paulo.

Brazilian Consulate, Montreal, Sept. 14, 1896.

According to instructions from the Brazilian government at Rio, I confirm the above.

(Signed) JOHN MAGOR,
Acting Consul for Brazil.

Hon. gentlemen, I give these as specimens of representations that are made to our poor fellow citizens to induce them to go to Brazil. They are very enticing indeed, but you must have been struck, as I have been, with the idea that there is nothing in them beyond promises. Those people, our compatriots, will arrive in Brazil under promises of employment at $20 per month, and board, but there is no contract in advance. When they arrive there, it is stated—and you can read well between the lines—they will remain there until the proprietors contract with them for their services. That is, when they are landed there they will be at the mercy of what he calls "proprietors." I draw your attention to the word. Those countrymen of ours are really likened to slaves. They are brought there by "proprietors." It is written here in full English. When they are there they will be at the mercy, and, perhaps, not the tender mercy, of those proprietors who will pay them according to what they think they can earn, and being at their mercy, with no possibility of returning, and having to get food of some kind to live upon, they will have to take what those proprietors may give them. But among the assurances of future contentment in their condition, there is one which struck me as the height of impudence. That man, in order to keep our people from being afraid of the weather, tells them that the winter is not too cold. Who ever dreamt of the winter being cold in Santos? Santos is just a little to the south of Rio de Janeiro, and when they get there they will be in the beginning of summer. In winter there the thermometer averages about 90 Fahrenheit in the shade, and very often rises to 100. It takes a great deal of gall and impudence for agents to come here and induce our people to go to the tropics by telling them that the winter is not to cold. Santos is one of the hottest spots on earth. What will be the result? The passage takes about twenty-five days from Montreal to Santos If our emigrants meet with the same experience as befell European emigrants, many of them will die on the way. When they get there, they will be as I said before at the mercy of the proprietors. But let us see how in reality those fair promises made to them are likely to be observed. We have seen the rosy representations; let us now look into their fulfilment. I have some European reports, especially British reports on the subject, and with your permission, will read a few extracts from them showing the manner in which the emigrants are treated there and the way the fine glowing promises made to them are fulfilled.

Here is a report of Consul Cohen, to the Marquis of Salisbury, dated 1891. I simply read extracts. I do not wish to take up too much time :

> Agriculturists will in all probability be led to believe that they will be allotted a plot of land, furnished with a house, implements and seeds, and, not unlikely, families will also be provided with a cow. But on arrival here they would find that the allotment of land would be made on conditions so onerous that I question any profitable result being attainable for years; while I consider no English labourer could till the soil in this climate. Besides the intense heat and insects, they would find the difference of food so great that I doubt whether any Englishman, woman or child could subsist for any length of time on such as is attainable in the interior without falling a victim to some disease, for, beyond salt fish, dried meat (carne secca) imported from the Plate and Mandioca, they would have great difficulty in obtaining any other kind of nourishment, while the language, habits and customs of the natives would render contact with them very unsatisfactory.

That is the reception that awaits our countrymen in Brazil. I will read an extract from the Rio *News*, a Brazilian newspaper, published in Rio Janeiro. This article is dated February 17th, 1891, and refers to the fate that awaits emigrants landing in Brazil :

> We regret to note that a large number of English and Irish immigrants (about 140 in all) arrived here on the 13th, on the Pacific steamer "Iberia." What these poor people are to do here in this broiling sun we cannot imagine. It is a sheer brutality to bring them here at this time of year, but as the Brazilian government never thinks of what they have to suffer, it would be a human service to them at home to tell them not to come. We understand that they have been promised a horse in addition to the three acres, and a cow, and that they have been assured £50 to £200 a year on cotton plantations in San Paulo. They have still to learn, however, how bitterly they have been deceived.

Here is what Mr. Adam, consular agent of Great Britain in these parts, writes to the Marquis of Salisbury on April 3rd, 1891 :

> To-day's *Union Federal* (an opposition newspaper) comments upon the disgraceful and inhuman sights of some hundreds of unfortunate emigrants which the steamers arriving from Europe have landed on the Palace Square, exposed as they are to the wretchedness, to the burning sun of this time of year, to neglect and filth.

The same Frederick Adam, writing to the Marquis of Salisbury, April 11th, 1891, says, among other things :

More than ever are the nepotism, the favouritism and barefacedness of these contracts for introducing immigrants at so much per head, being revealed.

We are at present at the heart-rending drama of hunger, wretchedness and child murder.

The sad proof of government neglect have even reached our own state, since for some days past the Polish emigrants who returned from Canguosu, and those who arrived by the steamship " Porto Alegre " have been sleeping on the pavement, exposed to the night dews, and without anything to eat.

These emigrants, no doubt, had been promised as ours have been houses and shelter, and this is how they were received. The Rio *News* again, on May 12th of the same year, among other statements makes the following :

Although the arriving emigrants are compelled to endure many hardships arising from neglect, avarice, indifference, and lack of preparation, the Portuguese readily find the means of escaping all this. The majority of them have relatives and friends here and know where they are to go and what they are to do. As a rule very few of them go to the immigrants' hospedaria. They quickly find employment and are rarely, if ever, compelled to beg on the streets as so many are continually doing. Being the small shop-keepers of the country, mechanics, house servants, gardeners, and general labourers, we find no difficulty whatever in obtaining situations. Their own countrymen are capitalists, contractors, builders, planters, merchants, bankers, and all that, and they have their own hospitals and benevolent societies. As a nationality they are more than strong enough to take care of themselves, and protect their own immigrants.

With other nationalities however, the case is different. Not being familiar with the language and customs of the country, nor with its industries and geography, they are wholly at the mercy of the contractor who bring them here, of the officials who receive them, and of the employés who traffic in their labour. They are stowed away and treated like cattle on their way out ; on arrival they are inadequately housed and fed by the government, they are left in utter ignorance as to the country, and are then forced into the employ of men whose main object is to get the maximum of work out of them at the minimum of cost. Some employers treat them kindly and liberally, many treat them harshly and then do them out of their wages. As a rule, the contracts for introducing the immigrants are shameless speculations, in which neither the welfare of the immigrants nor the good name of the country is taken into consideration. If the truth were fully known in Europe, the people there would feel compelled by every instinct of humanity to discourage their countrymen from coming here. They are deceived, however, by the rosy descriptions of the country and the interested explanations and arguments of men who are sent there for the special purpose of fostering the traffic.

Appendices of a report from Consul Horn to the Marquis of Salisbury, dated April 20th, contain the following :

Information supplied to the Emigrants' Information Office points to the great prevalence of epidemic fevers in certain parts of Brazil. For this reason, and also because it is understood that at present there are no sufficient arrangements for the reception and disposal of British emigrants, it is considered desirable to issue this caution to intending emigrants.

These fevers have now extended over the country, covering most of the parts of Brazil to which our people are going :

February 17th,—Trustworthy information has been received to the effect that the climate and conditions of life and labour in the northern districts of Brazil are wholly unsuited to British emigrants, whether agriculturists, artisans or domestic servants.

Intending emigrants are strongly warned against going to any province of Brazil north of Rio Janeiro.

March 13,—Intending emigrants to the southern provinces of Brazil, to which free passages have been advertised, are warned and trustworthy information has been received by telegraph, to the effect that the province of San Paulo is not suitable for British emigrants.

March 8th—A telegram received through the foreign office, from Rio de Janeiro, states that yellow fever is increasing in Brazil, and especially as the intending emigrants may be warned to that effect.

April. In most if not all in parts of Brazil the climate especially at this time of the year is wholly unsuited to British emigrants.

The population, the language, the laws, the habits, and the mode of life and work will be all strange to them, and ordinary artisans or farm labourers from Great Britain or Ireland are, if they go out, likely to involve their families and themselves in hardship and disappointment.

I could multiply such extracts from this book ; it is full of them, but I will content myself with reading one more from Mr. Shaw Lefebvre, dated January 27th, 1891. It is as follows :

To Sir James Ferguson.

In pursuance of a conversation yesterday on the subject of sufferings undergone by the unfortunate persons who have been induced by fraudulent representations to emigrate to Brazil, I now send you a letter from the Mayor of Bradford and an extract from one of the local newspapers.

You will see from these that there is every reason to fear that there are numerous emigrants at Santos, Campinas, Parana and San Paulo in a state of extreme destitution and misery. The mayor has already sent money collected at Bradford to Mr. Abbott, Her Majesty's consul at Rio

de Janeiro, for the relief of these poor people, and will send more as subscriptions come in ; but it is to be feared that the needs of these people and the expense of bringing them back to this country will be beyond the power of merely local efforts.

Santos is where our people will be landed. These people, to whom Mr. Shaw Lefebvre refers, were brought back to England by private subscription. In the letter of Mr. Gualco, to which I have above referred, we saw the inducements and promises that are held out to our people to go to Brazil and the treatment that they are supposed to receive. From the official reports which I have just read we can gather the sort of treatment they will actually receive in Brazil. The two do not tally. In the face of this sad state of things, I believe, and I feel, that it is the duty of our government to protect, as far as we can, these people that are fraudulently induced to go to Brazil and perish either on their way or from misery there. The nourishment which they receive in Brazil is not fit for Canadians, and kills them. The fever will kill, the passage will kill, and the despair will kill. It is a matter of humanity ; we all know what has been done to abolish slavery. Negroes are human beings, of course, and deserve protection, but we have not the same obligation to them that we have to our own countrymen. We know what has been done by European nations to prevent traffic in slaves in Africa ; this is not slavery exactly, but it is traffic in human beings. You have the delaration of Mr. Gualco that he is about to send a second cargo and he intends to continue his work. He uses the word "cargo." I was upbraided for using in my notice the word "shipping" as applied to those people. They are actually shipped —not any better—not as well—as we ship live stock, because we have laws to protect the brute animals, and we have none to protect our fellow-countrymen. There is no authority in Montreal, either municipal or governmental, to go and inspect the holds where our fellow-countrymen are packed—packed in such manner that, if cattle were stowed in a similar way, the humane societies would interfere and protect them. There is no protection for these people ; and I thought it my duty to call the attention of the government to this matter. I do not belong to Montreal, but the disease is spreading and coming down our way. And I remember the time when people from my place, my own people were also shipped in transports, prisoners of war in time of peace, and half of them died. The same fate very likely awaits these people. Perhaps not half of them will die ; but perhaps not half of them will return to this Canada of ours. Of course, I am perfectly aware that we have no jurisdiction in Brazil, that we cannot protect our people there, except by consular interference, which, thank God ! the British Empire has never been neglectful to exercise ; but we can protect them here to a certain extent by adopting the methods which have been followed by many governments in Europe, although not adopted, to my knowledge, in England, where liberty is absolute, and where, there being an excess of population, no hindrance whatever is put upon immigration. In several parts of Europe, if I am well informed, the government exact a deposit from those companies organized on a speculation basis, in the traffic of human beings. In some instances I have read of a deposit of $100,000, the object of that deposit being that the promises made to the emigrants would be fulfilled ; and if not, out of that money a sufficient sum will be taken to repatriate them. What I am at now, and what I hope and believe the government will do and will do promptly before the session closes—even if it were to prolong the session a day or two—is to pass such legislation as will force those companies to make *bona fide* contracts, that each and all of their promises be fulfilled. Surely we have as much right, and the duty is as strong on us, to protect our countrymen as to protect investors and shareholders. Let us pass such laws as can be passed by us. We can compel those companies to deposit with us that amount of money, the same as the foreign insurance companies for example do. Let the government pass such legislation, and then those agents will think twice before they make such representations as to assimilate, for example, the winter to the summer there, and representing to our people that it is moderate in both cases—whereas there is in fact no winter there at all, it is perpetual summer. When they are made to deposit money as a guarantee of good faith they will think twice before making false representations. The amount that those companies make per capita is about twenty-five dollars, I am told. A good premium, indeed. Before they pocket that money

they will, if we pass proper legislation, look to see whether or not they may have to disburse fifty thousand dollars. This is what I desire to call the attention of the government to, and I trust the response will be favourable to my fondest hopes.

Hon. Mr. SCOTT—I am sure we all fully appreciate the motives which prompted the hon. senator, who has just resumed his seat, to bring this important matter under the notice of the House. I quite realize the very extreme danger that may attend an exodus of Canadians to a country such as Brazil, which is in the tropics. The attention of the government was called to the subject a few days before it was announced that the "Moravia" would sail. It was learned through the press that an active canvass had been carried on through the province of Quebec, and that 800 or 900 passengers had been secured to go to Brazil under contract. The matter assumed a very serious aspect, and, in my position as acting Minister of the Interior, it devolved upon me to take some action on the subject. I immediately communicated with the Mayor of Montreal, and sent to him all the information we had, which has been accumulating for some years, in connection with reports upon Brazil from the Imperial authorities. Very recently a despatch was sent by Lord Salisbury to Canada, communicating the correspondence he had had with the Consul at Rio de Janeiro, in which he deprecated the idea of persons in Canada emigrating to Brazil under the impression that it was a desirable place in which to settle. In consequence of that despatch, I sent a messenger to Montreal, with letters to the Mayor of Montreal and to a representative of the Roman Catholic Archbishop, asking that the widest publicity should be given to the information that the government had in its possession. That information is briefly contained in a leaflet similar to one that I hold in my hand. Some thousands of copies of this leaflet were circulated through Montreal and the adjoining country, and placed in the hands of those whom it was represented were likely to become passengers on that steamer. The effect of that was to diminish the number, from 800 or 900 that were expected, to less than 400.

Hon. Mr. POIRIER—579.

Hon. Mr. SCOTT—Was that the exact number?

Hon. Mr. POIRIER—Yes.

Hon. Mr. SCOTT—The larger number was made up of poor people of Montreal, people very likely to be in charge of the municipal authorities during the winter. They were induced to go by the representations made by the agents that they would have sufficient food on board the vessel. I have since learned that the accommodation was ample. I am happy to say my hon. friend's statement of the condition on board ship is somewhat exaggerated, as I learn from authentic accounts. They were very well treated, and they had abundant supplies. They had assurances that every possible care and comfort should be given them, and they would be furnished with abundance of food.

Hon Mr. ALMON—Had they a medical man on board?

Hon. Mr. SCOTT—I could not tell you.

Hon. Mr. ALLAN—They were all different nationalities were they not?

Hon. Mr. SCOTT—Oh yes. At first it was represented that there were a considerable number of French Canadians from the parishes. On further inquiry that proved to be untrue, because they were really largely made up of persons from Montreal, various nationalities, who had very little prospect of a comfortable life during the coming winter, and they were attracted by the representations made to them by these agents. In consequence of this action, to-day a deputation came from Montreal, composed of the Brazilian consul and the representative of the steamship line, and a third representative from Brazil, to see me in reference to the action taken by the government. Their statement was this: That the country they proposed taking the emigrants to was healthy, some three or four thousand feet above the level of the sea, and west of Rio de Janeiro. He described the occupations they would be expected to follow, and all seemed rosy and liberal from his point of view. He felt that the action taken by the government had rather interfered with the prospects of the company. They had proposed to establish a line of steamers, not

only for the purpose of carrying passengers, but to develop a trade between Brazil and Canada; but if the government of this country were so very much opposed to the movement he doubted whether the company would be disposed to carry it out. I explained to him that we were entirely opposed to the recognition of any exodus from this country, but we could not actually prevent people from leaving—that it is not in the spirit with which our legislation was conceived that we should, by a law, prevent people going to any country they pleased, more particularly as we ourselves are sending agents abroad to all or nearly all, the available countries in Europe. It would scarcely comport with our policy that we should, by an act of parliament, prevent their going to Brazil, or any other country, but we should feel it our duty to discourage the emigration in every way we could. The effect of that will be, I think, that the company may not continue the enterprise. I am not prepared to say what their views will be on that subject, but the action taken by the government has led, at all events, to this result, that the number who proposed to go has been largely diminished.

Hon. Mr. LOUGHEED—Was this movement carried on with the knowledge and at the instance of the Brazilian government?

Hon. Mr. SCOTT—I understand so. I understand the province of San Paulo pays all the expenses of the people who immigrate to that province from Canada. There is a considerable immigration from Italy, but they do not consider the Italians a desirable class, and they had a special desire to obtain people from Canada for some cause or other. They much preferred to obtain settlers from this country.

Hon. Mr. POIRIER—I think it is because the Italians use the stiletto more freely than our people do.

Hon. Mr. SCOTT—But contemporaneously with this movement it was announced by cable from the High Commissioner that the Italian government had issued a proclamation preventing their people from shipping to Brazil. That report was subsequently denied. I am not prepared to say whether it was true or not. Sir Donald Smith cabled it from London under the impression that it was true. It has since been denied by the Brazilian authorities, but that information was also given to the press, and all the information that the government possess was very widely disseminated in Montreal and Quebec, so that the people were fully advised, I learn, by the circulation of this leaflet and the articles which appeared in the various papers of Montreal. In reference to the question whether the government propose to take any measure to prevent the emigration of our people, I may say, on behalf of the government, that no such legislation is contemplated. We have, we think, done our duty when we have warned the people, and placed before them the possible dangers they may incur by emigrating to Brazil. The attention of the provincial government was called to the subject, and the Department of Agriculture in Quebec was informed that this exodus was likely to take place, and they were asked to co-operate. I do not know what action they have taken, or whether they have taken any, on the subject, but it is entirely contrary to the spirit of our legislation to introduce an act of parliament prohibiting migration to Brazil. The most we can do is to place before the people the possible consequence of their taking up a residence in that country. A warning is all we can give, and that has been pretty well disseminated through the province of Quebec.

Hon. Mr. MACDONALD (B.C.)—An Act of parliament, such as my hon. friend has indicated, would be practically a prohibition. I would tax the agents, or rather make them deposit a good round sum, as guarantee that the people whom they induce to go to Brazil would be properly dealt with there. I think that could be done. We require insurance companies to make deposits as evidence of their good faith, and the same principle could be applied in this case. We are encouraging immigration to our shores and spend a great deal of money for the purpose, and yet we allow emigration agents to take our people away to other countries.

Hon. Mr. ALMON—Every vessel arriving at our shores from Europe is required to carry medical stores and a medical man. In the same way, every vessel leaving our shores could be required to have medical

officers and medical stores, and I think it is the duty of the government to ascertain whether these vessels, which are carrying our people to Brazil, are provided with physicians and medical supplies.

Hon. Mr. SCOTT—I think there is no doubt about their carrying medical men. I understand, in addition to the physician, they carry a clergyman with them.

Hon. Mr. POIRIER—To help them to die. May I ask the hon. minister, if that Brazilian line is subsidized by the government?

Hon. Mr. SCOTT—It was subsidized some time ago. The subsidy continued for about two years, but the trade between Brazil and Canada did not warrant its continuance, and it was discontinued some years ago.

Hon. Mr. GOWAN—I have listened with attention to what fell from my hon. friend from Acadie. We must all feel very strong sympathy with his motive and desire, if possible, to do something to arrest the exodus, but I fail to see what we can possibly do to protect these people. I am not disposed to see the government undertaking that extreme paternal protection of people to prevent them exercising their own judgment in respect to emigrating or moving from one place to another. I hope, on some future occasion, we may have further light on the subject. I would willingly aid him, as far as possible, in anything that would prevent the exodus, but surely the hon. gentleman would not propose to put an export duty on our countrymen, or take any harsh measure of that kind. I fail to see on what possible ground any law could be passed to prevent people emigrating to Brazil.

FIRST AND SECOND READINGS.

The following bills were introduced and read the first time, and passed their second reading under a suspension of the rule :—

Bill (15) "An Act amalgamating the Ottawa, Anprior and Parry Sound Railway Company and the Parry Sound Colonization Railway Company under the name of the Ottawa, Arnprior and Parry Sound Railway Company."—(Hon. Mr. McCallum.)

Bill (14) "An Act to incorporate the Mather Bridge and Power Company."—(Hon. Mr. Macdonald, B.C.)

THE VACANT JUDGESHIP IN BRITISH COLUMBIA.

Hon. Mr. MACDONALD (B.C.)—Before the Orders of the Day are called, I may say that I will expect an answer from the Minister of Justice next Monday to my question about the judgeship in British Columbia, as to who has been appointed to that office. I will also ask him if the position has been offered to Mr. Martin, and if he has declined to accept the appointment.

The Senate then adjourned.

THE SENATE.

Ottawa, Monday, 28th September, 1896.

The SPEAKER took the Chair at 8 p.m.

Prayers and routine proceedings.

DISMISSAL OF EMPLOYÉS.

INQUIRY.

Hon. Mr. FERGUSON rose to

Ask the honourable leader of the House whether the following words fairly set forth the policy of the government in the treatment of employés on the government railways and canals of Canada by the Honourable Minister of Railways and Canals :—

I propose to draw a distinction between permanent officials of the road, persons who are in continuous employ, as officials, and those who are simply employed as day labourers. I cannot do otherwise. It would be utterly impossible for me to administer this department, with 5,000 people employed in it, on any other principle, and I came to the conclusion that if any responsible gentleman —any member of this House, whose advice the government would consider it safe to act upon, or any responsible candidate before the country, who had been defeated in the late election, in the interest of the Liberal party,—made representation to me that, of his own personal knowledge, persons whose names he had mentioned and who were in the employ of the government, in the capacities I have mentioned, had taken an active part in the election, and assured me of that from his personal knowledge, on his personal honour, I would accept the statements thus made and permit the officials of the department to allow the changes to take place.

He said :—I do not intend to make any extended remarks in connection with this question. Were this a case of private individuals, as between, say, John Smith and James Brown, I think it would be a matter of very considerable importance. Suppose a large employer of labour, in this country, were to say to his employés, "It is reported that you have not bought your groceries from a particular friend of mine who is in the grocery business and whom I desire you to patronage. If this friend of mine represents that you have not done this, and, not content with that, you have advised your fellow labourers to buy from some other store keeper," and if he were to follow it with a threat that if his friend the grocery man were to represent to him on his personal honour that all this had occurred, that his employés had actually advised their fellow employés to buy their groceries at another store, and that if he were satisfied that this was the fact, he would dismiss these men from his employ, or allow them to be dismissed ;—if this were done, I think we would say that it was a most extraordinary proceeding on the part of an employer of labour. But if he were to go a little further and say, "This particular friend of mine has been a candidate ; he ran an election. It has been reported to me that some of my employés have voted against him, and have gone further, and canvassed their friends to vote for another candidate" ; and if he were to make this announcement, "I am going to take the representation of my friend who has been a candidate, and if he assures me on his personal honour that such has been the course of your conduct, I will turn you out of my employment ; I will allow a change to be made, and other men to be put in your places." But if he were to go still further, and say, "I will draw a distinction in this case : such of you as I hire by the year and pay pretty fair salaries, I will be very careful in dealing with your cases ; I will see that an investigation is held as to whether you have actually voted against my friend, or whether you have canvassed other people to vote against him. I will take great care in your case that such shall be done ; but with regard to the day labourers, such of you as are only temporary, I will not take the trouble ; it would be too much trouble for me to make any such inquiry as this, but if my friend the candidate assures me on his personal honour that you voted against him and canvassed your fellow labourers to vote against him, I will dismiss you from my employment." Were any such course as this pursued in any private vocation of life by any employer, I am sure every member of this House would say that the doctrine was a monstrous one, that it was terrorism and undue interference with the liberties of employés. If current history is true, this doctrine has been propounded in a very much more important sphere than private employment. I am satisfied, from what I know of my hon. friend who leads this House, and of my hon. friend the Secretary of State, that neither of these gentlemen would approve of any such line of conduct as I have described.

Hon. Sir OLIVER MOWAT—The extract, which my hon. friend has put in his notice, from a speech made by my hon. colleague the Minister of Railways, does not embrace all that my friend and colleague said, nor does it bring out what his view really was, what his motive was, and what the means were which he meant to employ in order to carry out an object which is admitted on all hands to be a legitimate one. I understand that all parties now recognize the propriety and the right of removing from office the active partisans of the opponents of the government of the day. On that point I assume, from the debate in the other House and what has been said here on another occasion, that parties do not differ at all, the only question is how it is to be ascertained whether this or the other employé had acted the part of an active partisan in such a way and to such an extent as to make his removal a proper one. My hon. friend thinks that the method of ascertaining the fact which was stated by my colleague in the other House is not a method of which we can approve here ; but in considering the question we are to take the whole of the statements made in the speeches of my colleague upon this subject. We must not ignore any portion of the statements which he made. Going through some of his speeches in which the subject was referred to, I find several things which ought to be borne in mind, some only of which will I trouble the House with at present. For instance he stated that :

When responsible men, whether they are representatives in this House, or have been deemed worthy of being the standard-bearers of the great

Liberal party, give me the positive assurance, upon their word of honour, and on their personal knowledge, that any of these men have been acting as active political partisans in the elections, and have departed from the policy of neutrality, which it is the duty of the lowest, as well as the highest, employés of the government to observe, I think I am justified in taking these men at their word, and in dealing with these employés as being guilty of the charges made against them. It would be absolutely impossible for me, or any one filling this position, to institute the same close, minute character of judicial inquiry which I would be able to make if I had only to deal with a hundred or two hundred men in the higher classes and permanent officials of the government, under continual official supervision.

My colleague spoke elsewhere of there being perhaps five thousand employés as to whom it would be necessary to abandon a policy which we all deem a proper one.

Hon. Sir MACKENZIE BOWELL—But we do not all admit anything of the kind.

Hon. Sir OLIVER MOWAT—You think a party is at liberty to cut off heads on a larger scale than I have suggested, I suppose?

Hon. Sir MACKENZIE BOWELL—We admit that the goverment have the power; we do not admit the correctness of any such policy or principle.

Hon. Sir OLIVER MOWAT—I am a little astonished at my hon. friend taking that ground. However it is not admitted as I supposed it was my colleague went on to say:

> Into the cases which have been the subject of this debate, I invite the closest scrutiny, confident that such scrutiny will give the assurance that I have dealt with them in a fair judicial spirit.

My colleague insisted that in very few cases had the course been taken which he suggests as the only one that the case admitted of. In very few cases—I think he said three or four—and he insisted, and was prepared to maintain, that in those cases justice was done, that advantage was not taken of the rule he laid down to have persons dismissed who had not been active partisans. The minister went on to say:

> I have no personal desire to cut off any man's head who is in the service of the country. I take no pleasure in seeking to deprive any one in the government's employ of his office. For fourteen years I was in the government of New Brunswick, and during all that time I never once, without the weightiest cause, took upon myself to interfere with any man's tenure of office, and during all that period there were men whom I retained in office under me, who were the strongest, most active, ardent political opponents of mine.

The truth is there is probably no one in the House who would be less disposed to do an unjust thing to anybody, the humblest member of the community, than my hon. friend the Minister of Railways. Then he explained in a satisfactory way what he had done in the cases that were specified. As an illustration, let me read a sentence or two of the explanation he gave with regard to one or two of these. Speaking of the member on whose information and testimony he had removed two men from government employ he said:

> There is no one in this House who will not admit that Mr. Macdonald [on whose information it was done] is a responsible man. There is none in this House whose personal assurance and statement would be accepted more readily than that of Mr. Macdonald, barrister, and opponent of the hon. member for Pictou. When he wrote to me to say that these men had been active in the campaign and should be removed, I wrote to him a letter in which I said I trusted he was not making the statements he did without having every assurance of their accuracy.

I see that in the debate in the other House the interpretation put upon the statement of my colleague was, that whenever any member expressed a wish that somebody should be removed, he would be removed—that whenever he heard of an employé acting the part of a partisan, he should be removed. That is not what he said. He wanted evidence which would satisfy him that an act of partisanship had taken place, and, therefore, when any member gives him the information, not satisfied with that, he requires more from him in order to make sure. In this case he went on to say:

> I said to him: I want you to satisfy yourself beyond the shadow of a doubt that what you say is true, and that you will only ask me to sanction these removals when you have convinced yourself and can give your personal guarantee that what you state is perfectly founded. He assured me in reply, that he knew, from his own personal knowledge, that these two persons had been active partisans in the campaign.

Hon. Mr. MACDONALD (B.C.)—Is not the man who gave the information a strong partisan?

Hon. Sir OLIVER MOWAT—I hope so, because he was a supporter of the government, but surely he may be a strong par-

tisan and a truthful and honourable man. You will not dispute that.

Hon. Mr. MACDONALD (B.C.)—I do not deny that.

Hon. Mr. LANDRY—He might be the contrary also.

Hon. Sir OLIVER MOWAT—And his statements may be relied upon.

Hon. Mr. MACDONALD (B.C.)—It is a case of *ex parte* evidence.

Hon. Sir OLIVER MOWAT—That is another matter. I am pointing out the object the minister had in view and what he needs to be satisfied of. It is not the verdict of a jury, not a judgment of a court, but enough to satisfy him; his observations show that he requires to be personally satisfied by testimony upon which he could rely before acting. That is all that can be done in any case; the government of the day has a large amount of power and is responsible to the people for the proper exercise of that power. The government must be satisfied on a variety of matters, getting the information the best way it can and in matters far more important than the dismissal of an employé.

Hon. Mr. KIRCHHOFFER—I am afraid the Minister of Railways is very easily satisfied.

Hon. Sir OLIVER MOWAT—No; I think not.

Hon. Sir MACKENZIE BOWELL—I should like to know if the hon. gentleman would apply that principle to a man accused of crime if he were a judge on the bench. The most reputable men in Toronto might assure him that a man had committed some crime—would he accept that?

Hon. Sir OLIVER MOWAT—My hon. friend is amusing himself and amusing the House. The hon. gentleman means that no man should be dismissed from employment unless you can bring his fault home to him, in the same way or to the same extent as in the case of a man accused of a crime?

Hon. Sir MACKENZIE BOWELL—Precisely.

Hon. Sir OLIVER MOWAT—No government could act on that principle. The hon. gentleman never acted upon it. He has dismissed hundreds of men without any trial except what might satisfy his own mind, and on such facts as, in his mind, were sufficient for their removal.

Hon. Sir MACKENZIE BOWELL—I cannot allow that statement to go uncontradicted. For nearly eighteen years I have administered two or three of the most important departments in the government, and during that whole period no employé was ever dismissed by me without a fair trial and being proved guilty. I challenge the hon. gentleman to prove his statement.

Hon. Sir OLIVER MOWAT—My hon. friend's department may have been specially pure in that respect. I hope so. He holds now an important position in this House, and for the sake of the Senate I am glad to hear that whatever impurity there was in other departments, there was none in his department, and that whatever may be said of his colleagues, there is nothing to be said of himself to his discredit. I rejoice in that and am glad to give him the credit of it. What my colleague wanted was sufficient evidence to satisfy him that any employé of the government, "against whom a complaint was made, had violated this principle of neutrality and had been an active and violent partisan." What he said gives nobody any right to suppose that he will ever remove a man unless he is satisfied that the grounds exist which make his removal proper. Then again he announced his principle in this way. He preferred being classed among the men who will

> take pains to satisfy their honest judgment as to whether a charge made against a servant of the public—no matter whether he be high or low—and, if satisfied, acts upon the conclusion at which he then arrives.

During the debate in the other House a vast number of cases were shown in which the government with which my hon. friend was connected had removed, without any ground whatever except their political leanings, many men holding offices. Several cases of the kind were stated by hon. members who spoke from their personal knowledge. Then, in consequence of the misinterpretation of his language by some speakers who followed him, the Minister of Railways spoke again, and here is a sentence or two of what he said when he next spoke. He pointed out that he would—

necessarily have to be satisfied by other evidence which I could accept. But I want the hon. gentleman to understand that I never, directly or indirectly, hinted or intended to hint at the intention of removing any person in the public service unless there were charges preferred against him which I was satisfied had been substantiated.

Then, again, he put it this way: A member had informed him of some active partisanship on the part of an employé, and he said:

I desired him to tell me, on his own personal assurance as a gentleman, or something to that effect, implying that I relied on his word of honour as a gentleman, that what he alleged was true, &c.

If it should be proved by experience that this method of finding out the facts was not a reliable one, of course it would no longer be followed by my honourable friend; and, as he stated in one of his speeches, if he should be misled in any case, he would very gladly redress the wrong. As a rule, he thought, this method would not be one that would mislead him, but if in any particular case he found himself misled, he would take care to redress the wrong. All I have to say, in answer to my hon. friend's inquiry, with regard to the statements set forth in the question, in connection with the other statements which my hon. colleague made in the course of his speeches, I have no disposition on the part of the government to repudiate the policy therein laid down. There is always a pressure on every government for office on the part of their supporters. When the late government went out of power, every position had been filled by their friends, though many of them had not continued their friends. At all events, that was the condition of things, and it is not unnatural that a new party coming in should say, "these men have held offices for a long time, why should not our turn come now when the people have decided in favour of the party to which we belong?" Amongst our neighbours the result of that sort of pre sure has been that they adopted what is called the spoils system a great many years ago, and it continued to be the system there until very lately. It is said that about one-fourth of the officials appointed by the government of the United States are no longer liable to be removed because of their political views, but that the other three-fourths stand in precisely the same position as they stood before and are still removed, not because they are active partisans, but because they do not belong to the party which is in power.

Hon. Mr. ALLAN—My hon. friend does not wish to see that introduced into this country?

Hon. Sir OLIVER MOWAT—I was just going to say that it is a very bad system. During all the time I was premier of Ontario there was not a single man dismissed for his politics, or even for his active partisanship against the government. There were instances of bailiffs and division court clerks who were active opponents of the government, and we did not interfere with them. Sometimes similar cases occurred in higher positions, but in no case was any one removed from office for that cause. I may have been too scrupulous about that, but I mention it to show that my personal feeling is entirely against the unnecessary removal of officials. At the same time, it is quite certain that it is a most unfortunate thing when the employés of a government are not in sympathy with it. Evils result from that, no doubt, but the evils would be still greater if the spoils system were adopted. There is hardly any alternative to the spoils system that I would not prefer to that system. The late government, in 1888 I think it was, dismissed some French translators because of their politics. It was urged then in their defence that they were only occasionally employed, and that they were at liberty to do what they liked when not so employed. The Liberal party took that ground very strongly, but they were over-ruled about it, and the contrary rule being laid down and acted upon then, we could not let our friends be in a worse position than opponents were. That system laid down in 1884 had to be adopted in like cases by the present government. I have given the only answer I consider it necessary to make to the inquiry of my hon. friend.

Hon. Sir MACKENZIE BOWELL—Would you apply that principle to an official who took an active part in an election in support of the government of the day, provided that government was sustained?

Hon. Sir OLIVER MOWAT—I have never heard of a government which dismissed an official because that official was too active in its behalf. I never heard of a party

taking such a view, and I am not prepared to say that it is a principle which I would advocate now.

Hon. Sir MACKENZIE BOWELL—I can readily understand that, because the hon. gentleman knows that while he was premier of the provincial government he permitted an official to resign his office to contest an election, and afterwards reinstated him in the same position after he was defeated.

Hon. Sir OLIVER MOWAT—That was the Dominion election.

Hon. Sir MACKENZIE BOWELL—I am not aware that a different principle should apply in Provincial and Dominion elections. The hon. gentleman admits that while he was premier of Ontario he permitted an official of his government to resign his office and become a candidate for the House of Commons. After being defeated in that election the hon. gentleman reappointed that same man. I think I am not going too far when I say that the official in question was one of the most offensive politicians in the country. As soon as he was defeated he was rewarded for the exertion he had made in trying to defeat his opponents by being placed again in the position which he had resigned to become a candidate. My hon. friend has laid down the principle of taking the word of a candidate who was defeated. Apply that to the man who wrote a letter, when he was applied to by a minister of the Crown, and asked which of the tenderers should receive the contract for certain supplies. The word of this honourable man would have been taken, no doubt; he had the confidence of the party to which he belongs. He had been selected to contest the election and was applied to for information, but before he replied to the minister, he wrote to the tenderers that "business is business, what is there in it for me?" I suppose that is one of the men you are to take your cue from when you desire to dismiss an official. I lay down this principle, and I am not going to discuss it beyond that. No employé of the government should be dismissed without cause. That is the ground I take in the first place—provided his services are required, no man should be dismissed on the *ex parte* statement of any one, no matter who he may be. The hon. gentleman calls the attention of the Senate to the fact that a number of statements have been made as to dismissals without trial and for political reasons, by the late government. I am aware that such charges are made, but I am not aware of any single instance that was given to the House of Commons in which they proved the statements which they had made. There was a general statement that such was the case, I know, and I say, and state it frankly, that I know of no case where a man was removed from office, on the mere *ipse dixit* of an opponent, to make room for someone who was desiring to obtain his position. Every case was fully investigated and proved, with the exception of one case to which I will refer, with which the hon. gentleman is, no doubt acquainted. Just before his resignation, Mr. Mackenzie recommended the appointment of his private secretary to a very important position, that of deputy head. When Sir John A. Macdonald assumed the duties of that department he had no confidence in Mr. Buckingham, and he relegated him back to the position which he had held in the Public Works Department. He was not dismissed, but he was removed from the deputy headship to that of a first class or chief clerk in the Public Works Department. I do not know of any other case, during the whole time the Conservative party were in power, in which an official was interfered with or dismissed without the fullest possible investigation. I know my hon. friend sitting opposite me had made complaints against the Department of Railways and Canals because they would not dismiss a certain man against whom he brought a great many charges, and on the ground that the minister thought these charges, though explicit enough, had not been sustained to his satisfaction. That is the principle upon which the late government acted in all cases, so far as I know. I am much obliged to the hon. gentleman for the compliment he paid me; because in all cases I acted upon the principle I have stated, I do not say that pressure was not brought to bear on me, and more particularly from Prince Edward Island, to pursue a different course. It was represented to me that almost every official on the island had been dismissed on the assumption of office by Mr. Mackenzie, and they thought the same course should be pursued by the Conservative government, but my answer was invariably "That is not the

principle of this government and I will not be a party to it so long as I occupy a position at the head of any department." I am glad to know that my hon. friend has acknowledged, to a very great extent, the impropriety of introducing such a vicious system into the politics of the country. His Conservative mind has too just a turn, if he had his own way, to permit it to be done. But having colleagues who have taken a different course, he, as one of them, must justify them so long as he remains with them, whether they are right or wrong. I must compliment him on the dexterous manner in which he dodged round the whole question, to show that Mr. Blair had said this and the other thing, and wound up by saying he was not prepared to disavow that principle—just what I would expect from the hon. gentleman. I do hope this new policy advocated by the government will not be carried out, because it would cause a wonderful revolution in one or two of the provinces in the country. But, even if I live to see that day, I certainly would not be a party to any such policy as the hon. Minister of Railways has laid down, except in cases where the person had been offensive, or where, as was the case in my own constituency, a man who was paid a high salary actually tried to bribe the settlers to vote against me. The best proof of the correctness of my statement is that when I put the oath to him at the polls as to whether such promises had been made or held out, he would not take the oath. That was sufficient confirmation. If we are to have a policy of that kind, God help the officials in Ontario if a change of government occurs. What is still more important, the principle should not be carried out in regard to day labourers, poor men, while you protect by an investigation the man who holds an official position by Order in Council. You protect the man with a large salary, but you unceremoniously dismiss a poor man, who is working by the day, because he dares to have an opinion of his own and records his vote at the polls. Surely my hon. friend does not approve of that. Take the higher officials who have violated the rule that the hon. gentleman has laid down and give them a fair trial and bounce them if you like, but do not discharge the poor man, whose sole support during the coming winter depends upon the $1 or $1.50 per day he may be earning upon the railway. It is a vicious principle, and I hope we may have an end of it.

Hon. Mr. McCALLUM—My hon. friend was referring to me, I think, when he said I made a demand for the dismissal of a certain official.

Hon. Sir MACKENZIE BOWELL—You are quite right.

Hon. Mr. McCALLUM—It is true I made some charges in this House, with reference to the management of the Welland Canal, and I never could get the government to look into the evidence given at the investigation. But I can tell you what they did do. When that investigation took place they sent a gentleman to look after him on the Welland Canal. He is doing nothing there now, but I believe he is drawing his pay yet. They have not even allowed him to buy $10 worth of supplies yet, and if you look at the evidence you will admit that I acted right and saved the country $30,000 a year. But politics had nothing to do with that case. The hon. gentleman says the government would not remove the superintendent of the Welland Canal. Well, no, they would not remove him. I asked the government to look into the evidence, which must be in the Department of Railways and Canals to-day, but I could not get them to act upon it. I ask the present government now to take up the case. I do not want to see any man discharged from the public works of this country without just cause. I admit that if employés choose to take part in politics—choose to go on the stump and make themselves obnoxious to either party, they take their chances, but when a man is proved to be guilty of mismanagement and you cannot get the government of the country to look into his case, I disapprove of that altogether, and I repeat I hope this government will look into it and see that justice is done. I have said a good deal about this Welland Canal case, as hon. gentlemen know. The late government promised to dismiss the superintendent of the canal, but he is not gone yet. The present government should look into the case, and it will be in the interests of the country if they do so now.

Hon. Mr. BELLEROSE—I believe, in a discussion of this kind, that a distinction ought to be made between men who though they may have principles opposed to the government of the day yet are not of the

class of men called "party men," and men who are strong supporters of the opposite party and who show by their acts that they are nothing less than real "party men." For myself, I consider that a man whose principles are not in accord with those of the government but are in no way strong "party men" may have the confidence of that government, if they are known to be honourable and honest; but if a public employé is known as a strong supporter of the party opposed to the government and attends public meetings, speaks against the government, it is not reasonable to suppose that the minister at the head of the department could have confidence in that man. As to the degree of proof that should be had before a man is turned out, I believe the moment the head of the department is sure of the man's guilt he may turn him out, and it is not necessary to have a political investigation under those circumstances. But I should think the minister in such a case must be prudent and be sure that his informations are such that he will be at all times capable of facing his accusers. There is a great difference between men of strong convictions, who hold to their principles, and men who are strong party men. Now, as an example, I may take my own case. I have always been a strong Conservative and have always been considered so in my province, though I am in no way a strong party man. Very often I refused to follow the so-called Conservative government. Having not been fighting them for 23 years when they were wrong. Believing then that they were no more Conservatives—but worse than Liberals I did not leave them, but they left me. I remained true to my principles That shows that this difference between men of strong principles, and strong party men has to be considered when dealing with this question. If I were at the head of a department, and had a strong party man in my office, as a rule I would not consider myself safe, but there may be exceptions. However, we do not provide for exceptions; we work on general rules, and for my part, I would not have a strong party man opposed to the government in my office. Having said so much I cannot say that I fully see the matter quite in the light the hon. Minister of Railways sees it. No doubt, when a case cannot be made out without inquiry, the officer of the department should be sure of his ground before he acts. I should think that it would be in the interest both of the public and of our civil service employés if parliament would pass a law on this subject.

Hon. Mr. POWER—I rise to a question of order. The hon. gentleman from Marshfield has a notice on the paper, under which a discussion could take place very properly, with respect to the dismissal of officials. It is this:

> That he will call the attention of the Senate to the extraordinary announcement of policy made by members of the Administration regarding the Civil Service of Canada, and to the recent unjustifiable dismissals of public employés; and that he will inquire of the leader of the Senate what the policy of the government is on these subjects?

That notice the hon. gentleman put on the paper on the 23rd September. He apparently wished to be fortified before going on with the discussion under that notice, and on the following day gave notice of the question which he has brought up to-day.

Hon. Mr. McKAY—The hon. gentleman rose to a point of order: he is now making a speech.

Hon. Mr. POWER—I am speaking on the point of order. The question has been asked by the hon. gentleman from Marshfield and has been answered by the hon. leader of the House. There is no room for any discussion after the question has been answered, whatever might have been said as to a discussion before, and this discussion, which hon. gentlemen are, apparently, very anxious to go into, can very properly take place to-morrow, when, I presume, the hon. gentleman from Marshfield is going on under his original notice. I submit to the House that it is irregular and inconvenient to go into this whole question now. It can very properly be gone into to-morrow, but not now.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman will see that the policy which has been *quasi* supported by the Minister of Justice cannot be so well dealt with to-morrow as now when it is fresh in our memories. The Minister of Justice has given his opinion on the subject, and you cannot refer to a former debate; therefore, it would be inconvenient to stop anyone who wanted to speak on this occasion.

Hon. Mr. POWER—It has never been the practice to have a general discussion on an inquiry.

Hon. Mr. MACDONALD (B.C.)—I do not know whether the hon. gentleman insists on his point of order. If he does, I will not transgress the rule, but as I feel very strongly on this subject, I wish to say a few words upon it.

Hon. Mr. LOUGHEED—My hon. friend from Halifax is entirely inaccurate when he says the point of order will preclude any observations being made on this subject. Do I understand that is the point of order? If my hon. friend will refer to Rule 55 of the Manual of Proceedings, he will observe that the point of order is not well taken. The reason I rose on this occasion was, that my hon. friend raised the same point on previous occasions and it was decidedly assented to by the House, but if we have a rule entirely opposed to that view, we might as well follow it. Rule 55 says:

> When a question is asked by a senator, the senator putting the question and the senator answering ought to make only such observations as they may deem indispensable to be understood, and no debate is allowed except by leave of the Senate. In the House of Lords (10th May, 206), and particularly in the Senate, this rule is generally disregarded, and lengthy debates often follow. If the senator questioning or answering, is allowed by the Senate, tacitly or otherwise to offer any opinion, argument, or inference, other senators may claim the same privilege.

The hon. gentleman who asked the question, and the hon. gentleman who answered it, both offered opinions under the leave of the Senate; consequently, under the rule it is quite clear, and beyond all controversy, that the debate is allowable.

Hon. Mr. DEVER—Has it not been the practice that when only a question is asked and an answer given there are no speeches made? I know for the twenty-eight years that I have been in the Senate it has not been the practice to have a debate on a mere question. If hon. gentlemen want to have it let them move for papers and every member of the House present will be able to speak on the question.

Hon. Mr. POWER—With respect to the question asked by the hon. gentleman from Calgary, I did not state that there was a rule which strictly prohibited a discussion. We had a short discussion on this question of order the other day, and I called attention to the fact that the hon. gentleman who now leads the Opposition, who at that time led the House, contended that it was extremely inconvenient and objectionable that there should be discussions on mere questions. I did not differ from the hon. gentleman on that occasion, and I agree with him now. It is particularly desirable that, even though we may stretch the rules in this House—the rules are not applied the same way in this House as they are in the other House—still on the present occasion, looking at the hour and looking at the fact that the hon. gentleman who has asked this question, which has been answered, has a notice on the paper under which a discussion could very properly take place at a more convenient time, I simply think this is not a case in which the rule should be relaxed. We should adhere to the practice strictly and let the discussion go over until the hon. gentleman from Marshfield brings it up on the other notice.

Hon. Sir MACKENZIE BOWELL—I should like the Speaker to look at the 21st rule and ask the hon. gentleman from Halifax to carry that out in practice.

Hon. Mr. POWER—I acknowledge my sin; still I was answering the question of the hon. gentleman from Calgary. I do not think there is a greater offender in the House in that respect than the hon. gentleman himself.

Hon. Sir MACKENZIE BOWELL—I hope the hon. gentleman in that case will not excuse himself by following the example which he says I have set him and which he condemns. I do not think there is a question as to the right of any senator, under the present circumstances, to discuss this question to its fullest possible extent, so long as he adheres to the matter contained in the notice and the statements made by the hon. gentleman who asked the question and the Minister of Justice in his reply. That is all we have to do with. The hon. gentleman raises the question that because my hon. friend from Prince Edward Island has on the paper an inquiry which, when he moves it, will open up this same question again, therefore, it is contrary to the rule to proceed with this debate. He has given a

reason why he thinks it would be improper to discuss the question now, because the time of the Senate may be occupied in discussing a question of a similar character to-morrow, but that is not a question of order; it is a question of the propriety or impropriety of taking the course which we are pursuing. The question of order, therefore, is not well taken.

Hon. Mr. MACDONALD (B.C.)—I will delay my remarks until the matter is brought up again by the hon. member from Marshfield, with the understanding that the remarks of the hon. Minister of Justice this evening can be referred to at that time.

DEFERRED APPOINTMENTS.

INQUIRY.

Hon. Mr. FERGUSON (P.E.I.) rose to inquire of the leader of the House:

If Orders in Council have been passed cancelling those made on the 6th and 7th July last, appointing James Yeo fishery inspector of Prince Edward Island, and Charles E. McDonald lighthouse keeper at Fish Island, in the same province; the recommendations in these cases having been approved by His Excellency the Governor General? If not, why are not these appointments carried into effect?

He said: I have two returns in my hand which have recently been brought down. One of these contains a full list of recommendations for appointments to fill vacancies, and superannuations, made on the 6th and 7th days of July last, immediately before the resignation of the late government. The second of these returns, and the last which has been brought down in connection with this subject, purports to be an Order in Council passed on the 16th of the present month, under which the present government proposes to classify those appointments which were held over at the resignation of the late government. Altogether, there were something like ninety-two of these recommendations, and as I read it, forty-four of them are classed in schedule "A" as appointments that His Excellency did not intend to approve. I gather from these papers that I have in my hand, His Excellency the Governor General signed all these recommendations; it is so stated in this Order in Council, but Mr. Sinclair, the Governor General's secretary, accompanies them with this memorandum:

The undersigned is directed by the Governor General to request that, pending their further consideration by council, His Excellency's approval be withheld from all recommendations which involve: 1. The creation of new offices or appointments. 2. The filling of vacancies for which no provision has been made by parliament, and which have existed for more than one clear fiscal year. 3. Superannuations (and the consequential appointments) for which application has not been received.

This Order in Council of the 16th September purports to separate all these appointments and ascertain and declare which of them comes within the category to whom one or the other of these three objections can be offered; first, that a new office is created, second, that the vacancy has existed for more than one fiscal year, and, third, that it is to fill a place that has been made vacant by superannuation. Here we have some forty-four of these appointments, under schedule "A," which it is declared the Governor General did not intend to approve. Then we have schedule "B," containing about the same number of names, which it is declared His Excellency the Governor General did intend to approve, inasmuch as these objections did not lie against them. I fail, however, in examining these appointments to find that this principle has been fairly observed. I find cases, in which not one of these three objections can be made against the appointment where the appointment is put under schedule "A." However, I am not dealing with that class of appointments. I am dealing with two appointments which have been put under schedule "B," which this Order in Council of the 16th September last declared to be appointments that the Governor General intended to approve, on the ground that the objections in his memorandum of the 8th July did not apply to them. Two of these appointments, with which I am familiar, are those of James Yeo, who was recommended by the late government for the position of inspector of fisheries in Prince Edward Island, and another, that of Charles Macdonald, who was recommended as lighthouse keeper at Fish Island. These two appointments are, by this order in council, declared to be appointments that it was intended the Governor General would approve. I want to ask my hon. friend the leader of this House has any order in council been passed cancelling these appointments; and, if there has not been any such order in council passed, which, I presume, would have to be passed since the 16th September last,

why have not these persons received their appointments? It seems to me that, according to this order in council, the present government have declared that these appointments were appointments which His Excellency the Governor General intended to approve, and, in fact, did approve, and they are placed in that catalogue by order in council agreed to by the government, because it winds up "and the council advise accordingly." I wish to know why it is that these persons have not received notice of their appointment

Hon. Sir OLIVER MOWAT—The answer that I have to give to the inquiry is this: no order in council has been made cancelling these appointments. Some of the appointments were considered objectionable.

Hon. Mr. FERGUSON—Is that those in schedule "A" or schedule "B"?

Hon. Sir OLIVER MOWAT—Some of those which were approved of were considered objectionable, for special reasons. I do not say that in regard to the two gentlemen that my hon. friend has named. With reference to them, my answer is this: no action has yet been taken by the government with respect to the appointment of the persons named in the question. The government has the question of the carrying into effect of these appointments now under its consideration.

THE CASE OF GEORGE MACDONALD.

INQUIRY.

Notice of motion being read,—

That he will ask the leader of the House, wherein the recommendation of the Treasury Board, dated 6th and 7th July, 1896, and not intended to be approved by His Excellency the Governor General, applies to George Macdonald, appointed sub-collector of customs at Grand River, Prince Edward Island, whose name appears under Treasury Board item No. 2613 as one which comes under the catagory of recommendations from which His Excellency the Governor General's approval was withheld?

Hon. Mr. MACDONALD (P.E.I.) said:—I desire to drop the motion of which I gave notice and substitute for it the following:—

Mr. Macdonald (P.E.I.) gives notice that he will ask the leader of the House to explain in what respect the recommendation of the Treasury Board in July last that George Macdonald be appointed as sub-collector at Grand River P.E.I., which was signed and approved by His Excellency the Governor General; comes within the category of those from which in the opinion of the Council on 16th September last, His Excellency's approval was withheld.

Hon. Sir OLIVER MOWAT—I could answer that question at once. I suppose the hon. gentleman in substituting the question wants to make more plain what he desires to know.

Hon. Mr. MACDONALD—That is the object I had in view.

Hon. Sir OLIVER MOWAT—I can give the answer now, and if my answer does not cover the ground, the hon. gentleman can give further notice. Just as he chooses about it. I am quite prepared to answer it now, and the answer is this: George Macdonald, named in the question, was appointed sub-collector of customs at Grand River, P.E.I., in the place of one of the same name who died in the previous year, I believe about May, 1895. A vacancy had, therefore, existed in the office from the time of his death, which was more than twelve months before the appointment of George Macdonald was made by His Excellency. The case, therefore, fell within one of the classes of which the Governor General did not approve. I may as well mention a fact here to make things a little more plain. His Excellency did not sign recommendations for all these classes of persons, but he signed a memorandum showing which of them he did approve, in the words my hon. friend has read. He just signed a general approval, subject to those exceptions.

Hon. Sir MACKENZIE BOWELL—Three exceptions.

Hon. Mr. MACDONALD (P.E.I.)—I must say that the answer which I have received from the leader of the government is not exactly in accordance with the facts of the case, for the person, in whose place George Macdonald was appointed, only died the preceding winter, some three or four months, possibly, before the new appointment was made. Under these circumstances, I think it is desirable that I should give the full facts of the case to the Senate as they appear to me. The vacancy in the collectorship at Grand River occurred during the spring of 1896. Mr. Charles Macdonald held the office previous to that time, and

Mr. George Macdonald was recommended, previous to the last general election, as the person suited to fill the office which had been made vacant by the decease of the former occupant. From the Treasury Board report, number 2613, which is in the return that has been laid before the House, his appointment it appears was signed and approved by His Excellency the Governor General on the 8th July last. It appears by the correspondence respecting the appointment, and by the Order in Council laid before this House marked "7*d*," which has just been referred to, that certain recommendations made by the Treasury Board were referred to the Governor General for his approval. Under date of the 8th July we have the following message from His Excellency the Governor General addressed to "The Hon. the Privy Council," and signed "by command, John Sinclair, Governor General's Secretary," viz. :

Memorandum with reference to the Treasury Board reports numbered 2611, 2612, 2613, 2614, 2640 and 2653, which are returned herewith subject to this memorandum and signed by the Governor General, having been submitted to him on the 6th and 7th instant.

The undersigned is directed by the Governor General to request that pending their further consideration by Council, His Excellency's approval be withheld from all recommendations which involve,—

1. The creation of new offices or appointments.
2. The filling of vacancies for which no provision has been made by parliament and which have existed for more than one clear fiscal year.
3. Superannuations, (and the consequential appointments) for which application has not been received.

It would appear from that communication that certain of these appointments, which had been submitted to the Governor General, had received his signature and approval, and we must now inquire whether the appointment of George Macdonald comes within the category of those three classes which, it was directed, should be withheld for further consideration. The first of those was "the creation of new offices or appointments." We know that this was not the creation of a new office or new appointment, because the office had been in existence, not only since confederation, but for a very considerable time before it. There was, even before confederation, a sub-collector of customs stationed at Grand River, which is rather an important port in Prince Edward Island, where there is a great deal of traffic, and where there are frequently entries and clearances of vessels going there with importations, or taking away exports. Then, the second class which His Excellency desired should be withheld for further consideration is under the following category :—

The filling of vacancies for which no provision has been made by parliament, and which have existed for more than one clear fiscal year.

Now, provision is made for the filling and payment of all such offices as collectors and sub-collectors, and these vacancies had not existed for one year. The hon. leader of the government was under a misapprehension when he stated that the vacancy had occurred in May, 1895. Then the third clause reads :

Superannuations (and the consequential appointments) for which application has not been received.

There was no superannuation in this case, and an application had been made for filling the office some time before the change of government. On looking further into the case, we find that there is another somewhat peculiar circumstance connected with it, that a gentleman who was a member of the other House, who was elected to represent a constituency in Nova Scotia in the other chamber, has been appointed to fulfil the duties of sub-collector at Grand River. That gentleman so far as I know, has not taken charge of the office, and I believe he is not fulfilling the duties which devolved upon him. It may be that Mr. George Macdonald, who at first received the appointment, which appointment had the approval of His Excellency, may be discharging the duties of the office, but I doubt whether he has yet entered upon those duties. It may be that some other person is looking after the collection of revenue at that point. I know not whether that is the case, but if it is not, we must certainly have a free trade policy inaugurated at the Port of Grand River, which perhaps is to be extended to the Dominion generally. I presume if there is no person at the office there is free entry and exit for all articles at that port. Up to this time we do not know whether there is any person in charge of that office, or if there is, whether the person so appointed is discharging the duties, or whether the person secondly appointed is acting; but he certainly has not given up a lucrative position in Nova Scotia to come to Grand River. We do not know whether he is looking after that office or whether there is a third party.

Under these circumstances, I am inclined to think that the person first appointed to the position, George Macdonald, is the man who is still the actual holder of the position to which he was appointed by His Excellency the Governor General.

Hon. Sir OLIVER MOWAT—I did not quite understand at what date the hon. gentleman said the deceased had died.

Hon. Mr. MACDONALD (P.E.I.)—It was during the past winter.

Hon. Sir OLIVER MOWAT—That is the winter of 1896?

Hon. Mr. MACDONALD (P.E.I)—Yes, I think in the month of March last.

Hon. Mr. FERGUSON—It was in the month of April.

Hon. Sir OLIVER MOWAT—Then, the information we have received seems to be incorrect. I will look the matter up.

Hon. Sir MACKENZIE BOWELL—There is a very important point arising out of this question. It is one of those intricate questions which I have no doubt the Minister of Justice will be able to unravel. It appears Macdonald held the office of subcollector at some out-port in the Island of Prince Edward. He died in April last. Another Mr. Macdonald was appointed by Order in Council to fill the vacancy in July last. The exceptions which were taken by His Excellency were of the character that have been indicated by the hon. gentleman from Prince Edward Island: namely, the creation of new offices, the filling of vacancies which had existed more that a year, and superannuation. This office had been vacant only a few months, the collector having died in April of this year. Now, what position does Mr. Forbes occupy, having been appointed by Order in Council to fill a vacancy which did not exist at the time of his appointment? Is he still a member of the House of Commons, and if a member of the House of Commons, is the Finance Minister legally elected, or does he hold a seat in the House of Commons illegally? That is a question to which I would direct the attention of my hon. friend, because it is a very serious one. If Mr. Fielding be not really a member of the House, legally and properly, I suppose he is subject to the penalty which is imposed upon a man for sitting in the House and voting, when not legally elected. I believe it is about $2,000 a day. It would be a grand opportunity for the hon. gentleman to increase the revenues by imposing the penalties. I do not suppose he would be inclined to do that with his own colleagues. But it does seem to me to be a most extraordinary position that the government have placed themselves in, and I am satisfied the hon. gentleman has been misled in the information furnished him, which he has given us, as to the carrying out of the Order in Council appointing the second Mr. Macdonald to that office. I cannot conceive it possible that my hon. friends, who live upon the island, and who know the party to whom reference has been made, could be mistaken in the fact of the date of his death. But the other point is more important, and I think my hon. friend should look into it, to see that the House is not demoralized by having gentlemen occupying seats in the government who have been illegally elected.

Hon. Mr. ALMON—Perhaps the hon. gentleman will tell us whether the system of Chiltern Hundreds in England is to be adopted here?

Hon. Sir OLIVER MOWAT—It would be very convenient if we had it. There is no legal difficulty in the matter, because the second Order in Council would be, by legal implication, a cancellation and revocation of the first one. The government, of course, have the right to remove a man at any time, and if they appointed a man to a position, and subsequently appointed another to the same place it would be a cancellation of the first order.

Hon. Sir MACKENZIE BOWELL—Without stating it?

Hon. Sir OLIVER MOWAT—Yes.

Hon. Sir MACKENZIE BOWELL—I would like to have such a case before the hon. leader, if he were sitting on the bench, and I would risk getting a judgment for my salary, if I had the first appointment.

Hon. Mr. FERGUSON—It would be strange to me if the man who had the early

appointment would not hold the position. But the fact remains, as stated by my hon. friend from Queen's, that Charles Macdonald only died in April last, and, therefore, not one of these three objections lay in this case. That was the state of matters on the 15th of August, there having been no decision as to whether the Governor General's decision applied to this case, or whether it did not. It was on the 15th of August that Forbes was appointed to the same office as Macdonald, and the appointment was signed by His Excellency.

Hon. Sir OLIVER MOWAT—There are several answers to the suggestion of my hon. friend opposite, and I have mentioned one. The observations of my hon. friend who spoke last on the subject indicating another. I have mentioned that none of these Orders in Council were signed.

Hon. Mr. FERGUSON—Some of them were.

Hon. Sir OLIVER MOWAT—No; he said he approved of such as did not come within the category. It was only an expression of an intention to approve, if they did not fall within the category. I have no doubt, therefore, that the office was not filled at the time the second appointment was made, and Mr. Forbes was appointed to it. As a matter of law, I have no doubt it was not filled.

Hon. Sir MACKENZIE BOWELL—I must accept it as a matter of law coming from such an authority, but not as a matter of justice, or common sense, or equity, or reason.

Hon. Mr. MACDONALD (P.E.I.)—I call attention to the statement made in the memorandum addressed to the Privy Council and signed by Mr. Sinclair, the Governor General's Secretary:—

> Memorandum with reference to the Treasury Board Reports, numbered, 2611, 2612, 2613, 2614, 2640 and 2653, which are returned herewith subject to this memorandum and signed by the Governor General, having been submitted to him on the 6th and 7th instant.

So it is evident, from this statement, that they must have been signed—it is so stated by the Governor General's secretary—and that there were certain of those appointments which must have been approved by His Excellency because they did not come within the category of those mentioned under clauses one, two and three of that memorandum.

THE VACANT JUDGESHIP IN BRITISH COLUMBIA.

INQUIRY.

Hon. Mr. MACDONALD (B.C.)—On Friday last I said I would expect to have an answer from the Minister of Justice to-day with respect to the British Columbia judgeship. Is the hon. gentleman prepared to give an answer?

Hon. Sir OLIVER MOWAT—There has been nothing done in the matter since it was mentioned before.

Hon. Mr. MACDONALD (B.C.)—I have received a copy of a petition from the bar of New Westminster protesting against anyone outside the bar of British Columbia being appointed to the vacant judgeship. Has the Minister of Justice received a similar one?

Hon. Sir OLIVER MOWAT—I have.

RAILWAY EMPLOYÉS IN P.E.I.

INQUIRY.

Hon. Mr. FERGUSON (P.E.I.)—Are the papers relating to the dismissal of employés on the Prince Edward Island Railway ready to be brought down?

Hon. Mr. SCOTT—We telegraphed for further information, and I expected to receive it this afternoon, or certainly it should be here to-morrow.

CIVIL SERVICE EXAMINATIONS.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—Has the Minister of Justice ascertained whether an opinion was given by the late Minister of Justice with reference to the examination of officials on dispensing with questions?

Hon. Mr. SCOTT—I made inquiry in the Department of Justice, and was informed that no opinion had been given. I understood that the opinion had been informally asked, but no opinion had been given. So I

was informed by Mr. Newcombe and Mr. Leslie.

THIRD READING.

Bill (13) "An Act respecting the Hamilton Powder Company."—(Mr. MacInnes, Burlington.)

The Senate then adjourned.

THE SENATE.

Ottawa, Tuesday, 29th September, 1896.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

WESLEYAN METHODIST CONNECTION BILL.

BILL WITHDRAWN.

Hon. Mr. McDONALD (C.B.), from the Committee on Miscellaneous Bills, reported Bill (G) "An Act incorporating the Wesleyan Methodist Connection of the Dominion of Canada," stating that they had taken the said bill into consideration.

Hon. Mr. MACDONALD (B.C.) moved that the promoters of the bill be allowed to withdraw the same and that the deposit of $200 be returned, less the expense of printing.

Hon. Mr. ALMON—I am very glad to second the motion and to see that we are doing justice to the extent of remitting this money. I think this society have as much right to incorporation as any other sect. They have good reason to complain that they asked for bread and we have given them a stone.

The motion was agreed to.

A PROPOSED SUSPENSION OF THE RULES.

Hon. Mr. SCOTT—At the end of every session it has been usual to suspend certain rules—the 41st rule and the 60th rule. I notice there are several bills coming up to this House, and if the Senate has no objection, I move now that the said rules be suspended for the balance of the session.

Hon. Mr. CLEMOW—I must object to that without notice.

Hon. Mr. SCOTT—It has not been usual to ask for notice at the last moment. I give notice that I shall make this motion tomorrow.

THE TAX ON SUGAR.

MOTION:

Hon. Mr. BOULTON moved:

That, in the opinion of the Senate, it will result in a benefit to the trade and prosperity of the country if the taxation on sugar is removed, and the revenue accruing therefrom replaced by increasing the excise on spirits to $2.25 per gallon, and the duty on imported spirits to $2.50 per gallon. The result of the tax imposed in May, 1895, being a reduction of 122,000,000 pounds in the imports of sugar during the past year.

He said:—The object of bringing forward this resolution is to endeavour to show the effect that the taxation upon any particular necessary of life has in restricting its consumption in the country, that is withholding from the people of the country a portion of their necessaries of life which would be used more freely and add to the trade and prosperity of the country by the removal of any such a thing as tax upon the necessaries of life. In order to have a just appreciation of the position that I desire to bring before the House, I have tabulated a few statistics that we may be enabled to more intelligently understand it. They are as follows:—

IMPORTS OF SUGAR INTO CANADA.

	Lbs.
1890, 3 cents per lb. on raw.....	174,000,000
1891, " "	197,000,000
1892, free, raw.....	345,000,000
1893, "	327,000,000
1894, "	311,000,000
1895, refined.....	9,188,730
1895, not above No. 16, Dutch Stand. subject to the ½ cent tax admitted between 3rd May and 1st July.....	70,379,203
1895, raw sugar admitted free up to 3rd May, 1895.....	309,302,296
Total in year ending July, 1895	389,679,499

1896, sugar above No. 16..	2,714,790	$ 86,805
1896, not above No. 16....	264,271,637	5,887,577

Total lbs. value 266,986,427
Less imported in 1896, 122,693,072 lbs.

According to the value in the trade returns, the 264,000,000 lbs. raw costs 2¼ cents; 2,714,790 lbs. above No. 16, costs 3⅛ cents.

Taking the value as above stated, our imports are as follows for 1894-95 :—

	Raw.	
From Cuba and Spanish Poss'ns.	195,000,000	lbs.
United States	61,000,000	"
Germany	75,000,000	"
British West Indies	31,000,000	"
Java	13,000,000	"
	Refined.	
Germany	5,000,000	"
China	3,000,000	"
Great Britain	1,000,000	"

SPIRITS MANUFACTURED FOR CONSUMPTION, 1895.

2,640,309 gallons, revenue collected at $1.50 per gall.	$ 3,901,579 00
2,610,309 galls. at $2.25 per gall.	5,940,000 00
Additional revenue	2,038,421 00
Customs duty collected on imports, 1,191,915 galls., at $2.25,	1,932,819 96
Add $\frac{1}{6}$ duty at $2.50 per gall	214,700 00
Add additional revenue by increase of Excise	2,038,421 00
Total addition to revenue	$ 2,253,121 00
Duty collected on sugar at $\frac{1}{2}$c., 1896.	1,122,857 50
Protective duty $\frac{64}{100}$ additional revenue	31,147 00

	Bushels.
Corn used in distillation	533,000
Rye do	145,000
Malt do	59,000
Oats do	13,600
Wheat do	5,600
Total bushels of grain	756,200
Corn imported from United States for consumption	1,560,000

SUGAR REFINERIES—CENSUS OF 1891.

No.	Capital.	Employés.	Wages.	Output.
8	$5,924,000	1,927	$709,000	$17,000,000
	DISTILLERIES.			
8	7,094,000	404	178,950	2,190,000
	CHEESE FACTORIES.			
1,565	2,586,599	3,113	753,067	9,784,288
	CREAMERIES.			
170	540,598	425	106,303	913,591
	FRUIT AND VEGETABLE CANNING.			
52	553,800	2,241	165,494	891,542
	PRESERVED FRUIT AND JELLIES.			
8	17,000	63	8,520	38,236

IMPORTS OF SUGAR TO THE UNITED KINGDOM.

Refined, 14,145,143 cwts, value	$ 47,047,690
Raw Beet Sugar, 9,153,956 cwts, value	21,553,515
Raw Cane Sugar, 7,856,041 cwts, value	19,824,860
Total value of sugar imports to the United Kingdom, 1895	$ 88,426,065

Imports in lbs., 3,489,000,000 lbs.
Imports per capita, 87 lbs. per head.

Estimate of the world's sugar production for the year 1895–96, made by a commission of the Reichstag. World's production, 6,600,000 tons—of that amount Germany produces 1,600,000 tons.

	Tons.
Consumption for Germany	670,000
For export from Germany	940,000
Consumption of North America	1,700,000
Consumption for United Kingdom	1,600,000

GERMAN DUTY, TAX AND BOUNTY.

A mark is 25 cents; a phenning is $\frac{1}{100}$ of a mark.
Import duty on sugar in Germany per 100 kilog —220 lbs.
In 1887 it was 30 marks ; 1891, 36 marks ; 1896, 40 marks.
Tax on sugar, 1887, 18·60 marks per 100 kilog.
do 1896, 20 do do
The new rate of bounties in Germany, which came into force on August 1st, 1896 :—

90 to 98 per cent sugar,		2.50	per 100 kilog.
99½ and over	do	3.55	do
98 to 98½	do	3.00	do

The amount available for bounties in Austria is raised from 5,000,000 florins to 9,000,000 florins, and also came into force on 1st August, 1896. The German government is authorized to remove or modify the bounties when foreign sugar producing nations will consent to their removal or modification. Now, hon. gentlemen, our present tax on sugar is half a cent on raw sugar and $\frac{64}{100}$ of a cent on refined. The import of sugar into this country in 1890, when there was a tax, if I recollect right, of three cents on raw sugar, was 174,000,000 lbs., and in 1891 197,000,000 lbs. Then, as hon. gentlemen will recollect, the Finance Minister did away with the tax on sugar, and the result of that in 1892 was an immediate jump from 197,000,000 pounds importations to 345,000,000 pounds, in 1893, the same way, to 327,000,000, in 1894 to 311,000,000 pounds, and in 1895 to 389,000,000 pounds. The importations of 1895 were, of refined sugar, 9,188,730 lbs. 70,000,000 pounds of raw sugar were imported under the half cent tax which was imposed on the 3rd of May, 1895, and there was 309,000,000 pounds imported free of duty on raw sugar prior to May, 1895. Then in May, 1895, the Finance Minister put on a tax of half a cent. I would just like here to observe that in the Budget of 1892 the Finance Minister took credit for having remitted $5,500,000 taxation, because, as he stated, if he had left the tax on, the receipts from the sugar duty,

which in 1891 amounted to $3,000,000, would have increased in proportion to the increased import, and he calculated in 1892, because the import had increased to 345,000,000 pounds, therefore the tax he remitted amounted to $5,500,000. He overlooked entirely a fact that I desire to present to the House, and that is, that the reason there was that increase to 345,000 000 pounds from 197,000,000 pounds was simply and solely because the taxes were removed. If the taxes had remained on, that increase would not have taken place and the increase of revenue claimed by the Finance Minister would not have existed. In May, 1895, the revenue was falling, the limit of the revenue paying power under protection had been reached and so the late Finance Minister resorted again to the tax upon sugar. He put on a tax of half a cent a pound on raw sugar and the additional tax of sixty-four hundredths of a cent of protection on refined remained. The result of that tax of half a cent a pound in 1895, as shown by the returns from the 1st July, 1895, to the 1st July, 1896, was that the importation of sugar fell to 266,000,000 pounds, showing that in consequence of the tax of half a cent a pound imposed in May, 1895, there was a falling off in the importation of 122,000,000 pounds. The Trade and Navigation Returns give the value of the imports in 1895 at seven millions six hundred and forty thousand dollars, and the Trade and Commerce report for 1896 gives the import at four millions seven hundred and fifty-two thousand dollars, or very nearly a difference in value of the imports amounts to three million dollars. Now the contention is that the advantage of the National Policy in protecting certain industries is that it maintains a population and provides employment for our people, but I would submit to this House if the trade of the country is reduced by one-third in that one particular article that consequently one-third of the people that are employed in dealing with sugar must be thrown out of employment. The public return gives under the census the number of sugar refineries which are eight, the number of hands which are employed, 1,960. The bulk of those people who are employed among the 1,960 are those who are handling the sugar, not actually engaged in the refining. The process of refining sugar is something like a flour mill, perhaps takes a few more hands, but the process of refining does not take a very large number of hands. But it does take a large number of hands in handling that enormous amount of sugar. Consequently if the receipts of sugar fall from 389,000,000 pounds to 264,000,000 pounds, or a drop of 122,000,000, there is one-third of the consumption of that article goes out of use in Canada, and in the distribution and the handling and the receiving of that large amount of one of the natural necessities of the country there is, to that extent, the loss of employment for labour. I would just leave it to hon. gentlemen to calculate for themselves, whether it is better to have the sugar increased in the importation by the removal of all the tax, protective or otherwise, so that we can import 400,000,000 or 450,000,000 pounds, instead of having it taxed, and only importing 264,000,000 pounds. What course of procedure is going employ the largest number of hands in the country? What course will give the largest amount of comfort to the people of Canada? What course of procedure is going to increase the trade and commerce and transportation of the country by the development of those natural industries in Canada for which sugar is required as an absolute necessity? I think that when you dwell upon that particular phase of the question, you will realize that it is a great deal better for all interests that we should, by removing the taxes entirely from sugar, protective and otherwise, induce the importation of four or five hundred million pounds, and add to the trade and prosperity in consequence of that condition. The duty, as I said before, on sugar, is half a cent a pound on raw, and fourteen-hundredths of a cent upon refined sugar.

Hon. Mr. SCOTT—$\frac{64}{100}$

Hon. Mr. BOULTON—Yes, $\frac{64}{100}$ of a cent on refined sugar. The importation of the refined sugar in 1896 gave a revenue of $31,000, and while the people of Canada are taxed to the extent of $\frac{64}{100}$ by a protective tax, the receipts from the revenue for protection only amount to $31,000. The half a cent on raw sugar produces a revenue of $1,126,000, I think it is. Now that shows that the protection, while adding to the cost of the necessaries of the people of Canada, produces no revenue for the maintenance of the government and the country. The effect of the half a cent of duty on the

raw, while it gave us a revenue of $1,122,000, at the same time reduced the purchasing power of the people of Canada to the extent of 122,000,000 pounds in the consumption. Hon. gentlemen, I would just repeat an extract from the census returns which shows the various statistics connected with this question. The number of sugar refineries are eight, the capital employed is $5,924,000. The employés are 1,927. Their wages distributed are $709,000 and the output is calculated at $17,000,000. I think there must be some mistake in the calculation as regards the output of $17,000,000, because the total value of our sugar, when we imported 389,000,000 pounds, was only eight and a half million dollars, and I can only assume that this $17,000,000 given as an output is with the taxes that were being added in 1891. However, that is the case with regard to some refineries.

Hon. Mr. SCOTT—That is the refined, the other is raw sugar.

Hon. Mr. BOULTON—I do not understand you, sir.

Hon. Mr. SCOTT—The smaller figure represents the value of the raw, whereas the higher figure represents the value of the refined.

Hon. Mr. BOULTON—Then, hon. gentlemen, if the hon. gentleman from Ottawa's view is correct the cost of refining sugar must be enormous to increase it that much. I have no doubt the protection increases the cost, but I cannot conceive that it would increase it to that extent. Now, we take the distilleries in the country, they are eight and the capital $7,000,000, they employ 404 hands and the wages are $178,950, and output is $2,190,000. I include our cheese factories in this return for a comparison because that is an industry that has sprung up without any protection, without any inducement, without anything but the intelligence and the enterprise of the farmers of Canada themselves, and the cheese factories number 1,565 and the capital employed is $2,589,599. They emyloy 3,113 hands and the wages that are distributed are $753,000, that is merely the wages in the factory process not in the production. The census gives the value of the output $9,784,000. Now, as we export $16,000,000 of cheese, the value of the output here is misquoted in some way or other, even allowing for smaller exports in 1891, because it is undoubted we exported nearly $15,000,000 worth of cheese last year and the whole value of the output, including what we consume in the country, is put down at only $9,784,000. Then our creameries number 170. The capital is $540,598. The hands employed number 425 and $106,303 are distributed in wages. The output is $913,513. Of fruit and vegetable canning establishments there are 52; the capital is $550,802. The hands employed number 2,241. I presume in the shelling of peas, the paring of apples, &c., and the variety of articles of that kind, induce that large employment. The wages are $165,494 and the output is valued at $891,000. Preserves and fruit and jellies—there are only eight in the country and the capital employed is $17,000, the hands employed number 63 and the wages paid $8,500 and the output $28,236. Those are all the industries according to the census with which we can compare the position and also to show the small number of the canneries and the fruit preserving establishments that we have. Now, hon. gentlemen, our cheese trade has reached large dimensions. It is one of our natural industries; it is an industry belonging to the agricultural communities. Fruit growing is also one of our natural industries, but so far as canning and preserving of our fruit is concerned, the capacity of the country is limited in proportion to the tax put upon sugar. Everybody knows that Canada is one of the finest fruit-growing countries in the world, producing the best fruits of their kind, such as apples, pears, peaches, grapes, raspberries and small fruits of all kinds. The power of producing these articles is an exceedingly valuable one if it is only fostered. Of course, fruit being a very perishable article, it has to be disposed of unless utilized through the canning process, as rapidly as possible, otherwise it drops on the country's hands, and a very large proportion of its value lost. This year we have an unusually large crop of apples. We have got to dispose of them at once. What is the result? The apples can be purchased to-day for 50 cents a barrel. That is an exceedingly low price, an unprofitable price. If we had as many canneries as we have cheese factories, we could preserve that fruit and

sell it next year or the year after, and work it off without reducing its value to the country by hastily disposing of it in order to save it; but the only way that we can utilize our fruit through the canning or preserving process, is to bring the price of sugar within the reach of the people of Canada at such a price that they can compete in the markets of the world for the sale of their products, and distribute our choice fruits in those countries whose productions are not similar.

Hon. Mr. VILLENEUVE—Will the hon. gentleman allow me to inform him that sugar was never so cheap in Canada as it is to-day, even with the 50 cent duty on raw material.

Hon. Mr. BOULTON—I am quite aware of that, and that is always the excuse made by those gentlemen who desire to maintain protection, that sugar never has been so cheap, that machinery has never been so cheap, but is it as cheap as the people in Canada can buy it without the tax? That is the question we have to deal with. I am quite aware that sugar is being sold in Great Britain at a less price than it has been sold at for some years past, but the reason of that is—and I was going to refer to it afterwards—because the continental countries of Europe have increased their bounty on the export of sugar, commencing on the 1st of August of this year. In consequence of that increase of the bounty to the export of sugar, the price of sugar has gone down, but we put on an artificial tax to prevent our people purchasing that sugar at a low price, notwithstanding the bounty paid on it by continental countries to make it cheaper for us. The whole question is that if a country like Great Britain or any other country, such as New South Wales, that works on the basis of free trade, and admits sugar at the very lowest cost that it can be produced for in the consuming countries of the world, it is impossible for Canada to compete in their canning products in the markets of the world with those countries, although the hon. gentleman's statement is a fact, that sugar can be purchased cheaper in Canada to-day than ever before. It is a question as to what its comparative value with other countries is, that induces the large export or the large consumption. That is what we have to keep ourselves down to. In 1895 Great Britain imported sugar to the amount of 14,143,000 cwt. of refined sugar valued at 47 millions of dollars. The raw beet that was imported was 9,153,926 cwt. at a cost of 21 millions of dollars. The raw cane sugar imported was 7,816,000 cwt. at a cost of $19,824,000, or a total import value of $88,426,065, or a total import in pounds as compared with our importation in pounds of 3,489,000,000 of pounds or a per capita importation of 87 pounds per head. The people of Great Britain purchase their sugar at the very lowest price it goes at in the open markets of the world. They import 87 pounds per head for a population of 40,000,000 people. That does not mean that the 40,000,000 people are all consuming 87 lbs. per head, but the consequence of cheapening sugar is that it has developed a large industry in fruit growing and preserving and canning and other industries of various kinds in which sugar enters. With us we have our fruit growing, we have our canning and preserving and our biscuits and a variety of other articles into which the consumption of sugar enters, and every one of those industries, into which the consumption of sugar enters, is affected by the price of sugar so far as the exportation of those products reaches beyond the bounds of Canada. I would be quite prepared to admit that if we did not want to export our fruit or the products of the labour of the Canadian people, it would not make any difference to us if we raised the price so long as other things were dealt with proportionately, and that we might call anything we choose the price, but when we want to export beyond the bounds and limits of Canada—and we cannot ignore the foreign trade in our surplus—you have then to work on a basis that Canadian labour can compete successfully with those industries that are natural to the country in foreign and neutral markets. The production of sugar has increased very largely in the world of late years. It has now reached 6,600,000 tons; that is the products of the world. Rather more than half of that, I believe, is the product of beet-root and to the extent that beet-root sugar has taken the place of cane, to that extent has the production of cane gone out of consumption. In Germany the production of beet-root sugar has grown to 1,600,000 tons, of which 700,000 tons is consumed in Germany and 900,000 tons is exported. I pointed out a little

while ago that the consumption per capita in Great Britain of sugar was 87 pounds per head : the consumption in Germany, according to an estimate made by a commission of the Reichstag, was only 35 pounds per head There is a country that is producing beet root sugar in enormous quantities and their purchasing power for the very article that they are producing is only 35 pounds per head, and it has only grown to that very lately. It was much less than that in 1886—only 20 pounds per head then. The country that is producing that sugar only enjoys that limited consumption, while England, that works on a free trade basis, has a consumption of 87 pounds per head. The reason is not far to seek. The reason is that the sugar industry in Germany and other continental countries is fostered by what is called an export bounty system and the continental countries have attempted to develop this industry and it has been in force about for 35 years. It was first of all commenced by the protective tax, a duty to keep out foreign imports. Then very soon that developed the growth of beets and very soon they produced far more than the people of the country could consume. They came to the government and said, you have to protect us further, and then there was a heavy bounty put on in order to encourage the export of this sugar. Then following that came an excise tax to raise money in order to pay this bounty and you had in Germany, France, Austria, Belgium, Holland, Spain and Russia—in every one of those continental countries that system of excluding the sugars of one another from their respective markets at the same time taxing themselves very heavily to export their own production of sugar to the markets of the world. The result of that system has been as follows : There was the three items, there was the import duty, which to-day is raised to 40 marks per hundred kilogs. A kilog is 220 pounds and a mark is a shilling. Forty marks for 220 pounds is the protection that sugar has to-day in Germany. Then they have an excise tax amounting to 20 marks. That is to say all the sugar that is consumed has to bear an excise tax of 20 marks.

Hon. Sir MACKENZIE BOWELL—Twenty marks on what amount?

Hon. Mr. BOULTON—On 220 pounds. And while the farmers of Germany were apparently being protected from the importation of sugar, their industry was being taxed to pay a bounty the excise tax amounting to-day to twenty marks per 220 pounds. The excise or internal tax was first of all put upon the beets that were grown, and according to the amount of beets that were grown, for the production of this sugar, their excise tax was raised upon that. Afterwards it was changed to an excise tax upon the sugar itself, so that the farmers who produce the sugar and who enjoy the bounty upon the sugar have their industry taxed in order to pay the bounty or in other words to pay themselves. That is the peculiar effect that has been produced. Naturally, when you undertake to give a bounty upon any particular article you have got to find the money to pay that bounty. When it is a small thing it does not call attention, but the very moment that the industry is fostered and has grown to large dimensions then, of course, it becomes a severe tax upon the country and the country has to find some means from some source or other to pay that bounty.

Hon. Mr. VILLENEUVE—Is not that bounty which is given by Germany given with the object of encouraging the farmers to grow root crops?

Hon. Mr. BOULTON—Yes, that was the original intention, but I am only drawing the attention of the House to the point that has been raised by my hon. friend from Montreal that the original idea was founded upon his present idea, that it was to encourage the growth of beets or it was to encourage the growth of an industry that was not natural to the country, and to enable them to compete with countries where the growth of sugar was natural. But the result of the policy has been a disastrous one because these continental nations have made several efforts to do away with the bounty system. They have found the tax to rest so heavily on the country that they have been trying their level best to get rid of the tax that they themselves have brought into existence, but naturally when a nation has brought under cultivation one million acres of land which is prepared for the growth of beets, where they have the seed and facilities and factories and everything ready to carry on that operation, naturally every one of these farmers become protectionists to the extent

that they desire not to have all that industry stopped by the removal of that bounty and turned into new channels. They believe the bounty alone keeps their industry alive, keeps an unnatural growth alive, because when it comes to compete with the natural growth in another part of the world, which requires no fostering of any kind or description, it naturally is thrown into such severe competition that they are afraid their industry would be destroyed. The bounty in 1887 was as high as 8 marks and 10 marks, but they have, by a gradual process, brought that down until they agreed, by a law of 1892, to make the bounty in July, 1895, not more than one mark and 1½ marks according to the sweetening power of the sugar; but the law of 1892, which fixed that, has been changed, and there has been an increase made in the bounty, above that fixed by the law of 1892, and it is that increase that I told you just now has cheapened the cost of sugar quite recently. In Germany, the bounty is 2½ marks on 220 pounds upon anything between 90 and 98, and 3½ marks from 99½ to 100 and over, according to the degree of sweetening power that there is in the sugar. And because Germany has increased its rates, Austria has followed suit, and Austria where last year was only appropriating 4,500,000 florins, towards the bounty, it has now increased it to 9,000,000 florins, so that you see Austria is keeping pace with Germany and these nations watch one another closely in their unnatural competition. The export bounty paid by France has been as high as 79,000,000 francs. That is very nearly $20,000,000 the country was taxed to pay the export bounty on sugar. It has fallen now in France to 29,000,000 francs in consequence of certain alterations, bringing it down gradually in the alteration of the duties, but that is what is going on in foreign countries and it has driven out, as I said before, the growth of cane sugar. It is an industry that is being fostered by high protection, and the result that follows is that those countries that give the bounty export have their sugar taxed as I told you a few minutes ago, that the excise tax on sugar is 40 marks or $10 on 220 pounds sugar. That is the tax that the people that use sugar in Germany have to pay in order to maintain that system.

Hon. Mr. VILLENEUVE—That is more than the value of the sugar?

Hon. Mr. BOULTON—Oh, no.

Hon. Mr. VILLENEUVE—Forty marks is $10.

Hon. Mr. BOULTON—Yes, I see, I must have made a mistake in my figures as it seems to be wrong; I am glad the hon. gentleman has corrected me. It is 20 marks. 40 marks is the duty and 20 marks is the tax, that is $5. Five dollars on every 220 pounds of sugar is the tax which the people of Germany, France and Austria, in proportion to their bounties, have to pay in order to maintain the system of growing sugar and producing it out of beets. The effect of that is that every additional inducement that is given by increasing the bounty reduces the price of sugar in open markets because all these continental countries are forcing more sugar on the markets of the world in competition with cane sugar, and to the extent that they do that they bring down the price of the article themselves so that it nullifies the benefit that is supposed to be received by those who produce the beet-root sugar in consequence of taxation made to stimulate it, which brings down the price. As my hon. friend from Montreal has told us to-day, the price of sugar is lower than it has been for some years, and I explained the reason of that because Germany and Austria and other continental countries have increased the bounty and cheapened it to the people of England who admit it absolutely free. That is the cause and no other cause at all. Now, hon. gentlemen, we have got a small bounty system ourselves which we have instituted. It has not grown to very large dimensions, but it is wise for us to see what has been the result, what has been the effect of the pursuance of a similar policy elsewhere, and not place the country in a false position by continuing it. It was extended by the late government to July, 1897, and last year a bounty of $29,449.00 was paid. In Canada our export bounty is 75 cents per 100 pounds and one cent to be added for every percentage of sweetening power over 70 degrees. So that, if it was 99½ the export bounty would be one dollar. One dollar on 100 pounds is our export bounty price, that is equal to eight marks in Germany, $1 on 100 pounds is equal to eight marks. The mark is a shilling, and 220 pounds at a dollar would be $2.20, so that it is equal to very nearly nine marks of an export

bounty in Germany. The present bounty given by Germany is 2½ marks and we are giving nine marks. Now, if it is costing the people of Germany that enormous sum as a tax upon the sugar that is consumed by everybody, what is it going to cost us in Canada here if we develop a system of that kind? It is going to destroy every industry that there is in the country that is dependent upon sugar as a merchantable article for the development of certain industries, to the detriment of other agricultural industries more natural. I think that the exposure, or rather pointing out what the effect is before we have drawn our farmers into a system that is really not of advantage to themselves, but, once having drawn them into the system, once having produced the acreage and once having made them suppose that their prosperity is dependent upon the maintenance of that system, then the voting power is brought to bear in order to maintain it and farmers become protectionists under that system which will grow and grow until it becomes a huge evil and should be stopped in its infancy by enlightening our farmers. Now a great deal is spoken about giving an export bounty on butter. Supposing we were to give an export bounty of two cents a pound on butter, supposing we do give an export bounty of two cents a pound on cheese as some countries do, what would be the result? What would be the tax resting on the people to-day if they adopted the system of continental countries and taxed the raw material of the farmer in order to pay the bounty so that the farmer pays the bounty himself? If we were to put two cents a pound on butter we would have to tax the cows of the country in order to produce the money to pay the tax, or we would have to tax the butter consumed in the country, and if there is a tax on butter, it means that a consumer will enjoy so much less butter by the amount of the tax and so it is the same with other things. In Germany the condition is, $10 per 220 pounds, protective duty, $5 per 220 pounds, tax on sugar consumed in the country and out of that tax a bounty of sixty cents per 220 pounds is paid for all sugar exported. This bounty, however, I contend, is nullified by lowering the price in open markets in proportion to the bounty given by foreign nations in their competition for the consumption in the open markets. In Australia one or two of the colonies there have, I am sorry to say, adopted this system; the colony of Victoria has appropriated $1,165,000 for the development of just such a system in various industries as I am speaking of, some of which is given as bounties on export, some of their appropriation is legitimate from a free trade standpoint. Anything like cold storage, improving transportation facilities, technical education, experimental farms, forestry, improvements of breeding stock, etc., are all conducive to the extension of an intelligent application of the industry of the people and an increase to their general prosperity. If we were to appropriate a sum exactly in the same proportion to our 5,000,000 population, we would be taxing the country to the extent of something like $5,000,000 to pay for the bounties upon natural products which our own ability will provide and grow and continue to produce without any such extraneous system whatever as protective taxation or export bounty. New South Wales is a free trade country right alongside Victoria; it has no tariff wall of any kind or description, no bounty system of any kind or description. It conducts its government affairs upon exactly the same basis as the people of Great Britain do. Consequently the colony of Victoria in giving a bounty of two cents a pound on butter or giving a bounty of two cents a pound on grapes or anything else, are simply paying out of their own pocket in order to make it cheaper in the colony of New South Wales, and they make the colony of New South Wales the traders for the whole Australian continent. That is the effect, because, being a free trade market, there is where the shipping will come to, and there is where the trade will be carried on, and all the trade that is induced by this system will concentrate in New South Wales, and to that extent New South Wales will enjoy immense benefits derived entirely from their neighbouring colonies taxing themselves under an entirely false system. New South Wales has raised the standard of free trade on the Australian continent, let Canada do the same on this continent, following the enlightened example followed by the people of Great Britain. There are not very many colonies of the British Empire who admit a bounty system at all. The Cape of Good Hope has no bounty system, Western Australia, Natal and Jamaica and the West Indies, Newfoundland, New Zealand, British Hon-

duras, British Guiana, Bahamas, Barbados, Ceylon, Gold Coast, Hong Kong, Jamaica, Leeward Islands, Lagos, Sierra Leone, Straits Settlements, Windward Islands, Malta, Mauritius, all of whom do a large trade and are neutral markets. None of the smaller places have any bounty system at all but the continental countries of Europe have all the sugar bounty system and there are some other countries that have other bounties and the system has grown until it is felt to be an evil in these countries, how to get rid of it is one of the problems they have to deal with. When it comes to an election, and the question of abolishing it altogether is brought up then there is an immediate kick and an effort put forth. There was a law passed in 1892 with Germany to reduce the bounty to one mark prior to its total abolition, but an effort was made in the same way as we will probably have at the next session of parliament an effort to oppose the removal of protective duties and an effort to maintain them. The moment the protectionists think that the duty is going to be abolished, they will put efforts forth to maintain it and so it is in these countries. This question is inseparable from free trade. I would just like to quote what David Wells, an authority, wrote in 1889. He went very exhaustively into the subject of political economy and dealt with many questions. He says here in regard to the purchasing power of the foreign countries who tax themselves by export bounties: "The fact that the people of Great Britain which neither imposes taxes nor pays bounties on sugar consume more sugar per capita than the people of any other country in the world, namely 74 pounds—while the people of those countries which have endeavoured to artificially encourage the production and consumption of sugar consume comparatively small amounts per capita—namely in the case of France, 28 pounds; Germany, 23¾ pounds; Austria, 14½ pounds; Russia, 9 pounds; Italy, 8 pounds; Holland, 28½ pounds; Spain, 9¼ pounds—would seem furthermore to amount to a demonstration, that the most certain way of providing for the greatest consumption of sugar and of speedily relieving the world's markets of over production of this most desirable commodity, would be for governments to refrain to the greatest possible extent from all interferences with its production and distribution."

Then Deputy Gelhert in the Reichstag in Germany, where a discussion of this bounty system was going on in 1888, is reported as saying:

> I cannot discern the smallest gain to our country. The profits of the system have only been reaped by England. It is German sugar that has enabled England to give sugar to her cattle; it is German capital that has so developed the English manufacture of sweets, that it successfully competes with the German manufacture in the markets of the world and in Germany itself. We pay one and a half to two million sterling to enable England to consume what would probably be worked up by our German industry. Gentlemen, I fear that this system has made us the laughing stock of our English cousins.

That is the opinion of a member of the German parliament when this question was up for discussion, but the difficulties that they have to contend with are such that it is almost impossible for the country to get relieved of the burden and the taxations that they have imposed to induce what might be called an unnatural growth of agriculture where the natural growth can be so much more cheaply produced elsewhere, and when you come to think that the enormous taxation that these continental countries have borne for so long has induced such a production that now the cane sugar of the world is driven out of production to the extent of rather more than half of the world's production. I do not think that the world is particularly benefited at all by it. Great Britain has had the good sense where such a condition prevailed to take advantage of it, although she has repeatedly called for a convention for the purpose of asking continental countries to do away with it because it was operating against the sugar refineries in England. To a certain extent the sugar refiners became alarmed at the bounty and England asked for a convention and tried to urge the continental countries to do away with the bounties, but up to the present they have failed to agree or are powerless to do away with it. The sugar refiners were more alarmed than there was any justification for, because we see by the returns of 1895 that the importation of refined sugar into Great Britain was 14,000,000 cwt., and the importation of raw sugar was 17,000,000 cwt., so that sugar refiners have not lost their power of refining. These refineries are still enjoying the refining of 17,000,000 cwt. of raw sugar, which is imported—half of it is beet and the other

half is cane sugar—so that the refining industry has not been totally destroyed, if affected to any great extent. The industry in confection, in the export of biscuits, of fruit, jams, preserves, and all that sort of thing, has been very large, the growth of it has been stimulated. I dare say hon. gentlemen may recollect two years ago oranges were bought here in Ottawa six dozen for 25 cents. That was the price I paid and the year after I bought three dozen for 25 cents. If we had sugar down at the very lowest possible price that any other portion of the world can produce it at and you can take advantage of the oranges that arrive in Canada beyond the power of consumption in Canada which brought them down to that low price, they were a perishable article and had to be sold for what they would fetch. Supposing a jam factory was in operation in Montreal or Quebec or Ottawa or anywhere else and they could have their sugar at the very lowest cost in the world, could they not have manufactured marmalade? Could they not have turned all that into money and employed hands, but they are prohibited in consequence of the tax of one cent and fourteen-one-hundredths of a cent. I leave it to hon. gentlemen to say whether I am not justified in bringing a question like this before the House in the hope of inducing the House to consider that in this one article—I will grant it is one of our large articles of consumption, but when I can show the reduction in the importation of such an important article, and that the reduction is brought about purely by the taxation which is imposed on it, I am justified in bringing it up and saying that I could make the same argument on the importation of any other necessaries of life for Canada. The effect would be produced in exactly the same way. I have coupled with my resolution a proposition which is deducible from the arguments and that is as the half cent was imposed for revenue purposes on raw sugars and produced $1,126,000 although the protective tax produced comparatively nothing, I must show where we can find a revenue to take the place of that and as I say in my resolution I propose that we should raise the excise on spirits in order to replace it. I will just show you what the excise on spirits is. Spirits manufactured in Canada according to the Inland Revenue returns in 1895 amounted to 2,640,309 gallons, at $1.50 per gallon the revenue collected from that amounted to $3,109,579. That is the revenue that is produced from the consumption of 2,640,000 gallons of spirits. Supposing we increased the excise on that, which is $1.70 to-day, to $2.25 per gallon it would produce a revenue of $5,940,000, or an increase in revenue from spirit amounting to $2,038,421. That would be getting so much to replace the revenue on sugar amounting to $1,200,000. The customs duty collected on imports of spirits on 1,101,915 gallons at $2.25 per gallon amounted to $1,932,819 in 1896. Then if you add one-ninth to that by raising the duty to $2.50 per gallon, an additional $214,700 is produced, or a total of $2,253,121 is added to the revenue by raising the excise and the customs duty to the figures that I have mentioned. Following up the principle that I laid down in the case of sugar, that the tax reduced the importation and the consumption, I have no doubt that this additional tax would have the same effect upon spirit and therefore possibly we would not get the whole revenue that I have referred to, but at all events the figures are more than sufficient even with a reduction of consumption to show that to pursue a policy of that kind would release the necessities of the people from a burden that is put upon our consumption of sugar.

Hon. Mr. McKAY—What will you do about prohibition?

Hon. Mr. BOULTON—Prohibition is one of those questions that may have to be dealt with at some time or other. It is not before the country at the present time. When it comes before the country it must be dealt with on its merits. If the addition of the tax on spirits will reduce the consumption of spirits to the extent that it does so it is in line with prohibition. I do not claim myself to be a prohibitionist, and I am quite prepared to argue that question when it is a practical one and is before the country, but I am now merely dealing with two articles of importation which will remain articles of importation and production, I have no doubt, for some time yet, I do not see why we should continue a protection by which the eight distilleries in Canada receive the benefit between $1.70, which is the excise on spirits, and $2.25, which is the duty on spirit, or a protection of 55 cents per gallon. I do not see why that accumulation of

wealth should go on, as is perfectly evident to every one in the country it does go on, in the case of the eight distilleries in Canada. So long as we are continuing that condition the sooner we put the burden of taxation upon what is termed a luxury and what is regarded by the prohibitionists as not a necessity at all but something to be abolished, I say to collect the revenue off that is infinitely preferable to burdening the country by a taxation on sugar, lessening the trade of the country and lessening the comforts of the families of Canada. At the present moment the difference between the excise tax of $1.70 and the duty of $2.25 is 55 cents. So as not to press immediately to too great an extent upon that particular industry—on the principle that the change should be gradual—I have raised the excise to $2.25 and the import duty to $2.50, which makes a difference between the imports and the excise of 25 cents, instead of a difference as now of 55 cents. The effect of that, as I said before, would be to increase the revenue. Now let us see what enters into the manufacture of spirit. According to the Inland Revenue returns, there are 523,000 bushels of corn used by the eight distilleries, 145,000 bushels of rye, 59,000 bushels of malt, 13,600 bushels of oats, and 5,600 bushels of wheat, or in all 756,200 bushels of grain. The importation of corn from the United States for consumption is 1,560,000 bushels. The main product for the manufacture of spirit, as hon. gentlemen will see, here is 523,000 bushels of corn. Whether that comes from the United States or is produced in the country I cannot say. In Great Britain the duty on spirit is $2.50 per gallon and the excise is $2.50—they are both precisely the same—there is no protection whatever. If any other country in the world can manufacture spirit cheaper than they can in Great Britain they are perfectly free to import it—there is no protection to the distilleries, so you see that the condition that Great Britain carries on her trade by which the distillers manufacture as largely, and the refineries use up 17,000,000 cwt. of sugar, so in the same way we need not be afraid of closing any of our factories. We may change the conditions a little, but the commercial and industrial effect of that policy is such that it increases the power of the country to produce and in consequence of the abolition of all taxations on the necessaries of life it increases the power of the people to purchase the commodities of the world and enjoy them to a greater extent and use them to a greater extent for the employment of our people throughout Canada. That is the principle that prevails in Great Britain. The protective policy is not to allow any other country to trade in your market—to keep this as a close preserve for the few privileged industries a monopoly of trade of the country, and to regulate the profit as they see fit for themselves. That is the condition being produced to-day and the country is suffering from it. If you ask any of our leading financial or commercial men they will all tell you that the country at the present moment is suffering, suffering from a long process of that aggravation. The overproduction is continually going on and it has to be restricted. Too many manufactures are brought into existence, the banks finance for them and they find they are multiplying too largely, that the purchasing power of 5,000,000 people cannot absorb it and the result is that the banks have to wipe off as a bad debt the liabilities of this factory and the liabilities of that factory and so on until they get the producing power of the factories within the limits of the 5,000,000 people. That process has the effect of bringing the factories all under a trust or into a large corporation. That is the effect of it. Now, hon. gentlemen, I would just like to read you a portion of an interesting article written by Charles Francis Adams, a gentleman whom you all know in the neighbouring country as being a very distinguished man, a man whose family in the past have contributed two presidents to the United States—he who wrote an article in one of the American magazines entitled "British Finance in 1816." It was written in 1871, and is rather old so far as that goes, but in speaking of the condition of Great Britain in 1816, he says:

> But it was rare indeed that the question of protection could, at that time, be kept out of any projected improvement in English taxation. Protection coiled like a tangled cord around and over and through every portion of British finance. The reformers who, with no enmity to the long-established principle of protecting home industry, still wished to relax a little here and there the strain of taxation, which was straining the very muscles out of the bodies of their poor fellow countrymen, tugged now at one projecting evil of the vast system, and now at another, but wherever they came they found the whole mass, confused and chaotic as it was, bound hard and fast in the inextricable meshes

of protection. Some alarmed interest sprang out of the darkness to cry shame, and to excite popular hatred against them at the very moment when they were hoping at last to have found a chance of stirring the phlegmatic government and the wretchedly indifferent parliament into taking a step which could, by no possibility, harm any living creature.

Everything was protected. Every petty interest of the country had its rag of protection—not merely against the genius or activity or superior circumstances of a foreign rival, but against allied branches of industry at home. Tiles complained if slated were untaxed. Wool was jealous of cotton. The brain of the Chancellor of the Exchequer was racked by hopeless efforts to maintain a proper equilibrium between home industries, while protecting them all against the foreigner. The irresistible logic of the principle was really carried out to that extent from which tamer modern protectionists shrink. One part of the United Kingdom was protected from the other. The products of English industry were protected from the rivalry of Ireland, and the manufactures and produce of Ireland were only admitted under suitable precautions into England. It is true that the policy was, in this particular case, pursued with somewhat superfluous energy, since not only were heavy duties exacted for the protection of manufactures which actually existed in Ireland, but also for that of some which did not exist at all and never had existed, and which a moderate degree of knowledge of the subject would have shown never could exist; so that the Irish people enjoyed, through a long series of years, the most favourable of possible opportunities for observing the operation of a thoroughly efficient protective system of their own choice.

Nor was this all. Besides the protection granted to each industry against its neighbour, besides that which built a wall between the different states of the same empire, the British system undertook to protect one foreign nation from another; and this was even regarded as a masterpiece of statesmanship. A brilliant example of this form of protection was furnished in the case of Portugal. For an entire century down to 1831, the British were condemned to drink the vintage of Portugal, in order to protect both countries against the superior attractions of French wine.

That is just a sample of the article which is an exceedingly interesting one, but it only shows what was in existence in 1831 before the Corn Laws were abolished, and in 1846 before protection was entirely abolished and free trade took its place, a condition which is the commercial life of Great Britain to-day. Now, of course, it is necessary to bring forward individual instances of this kind in discussing a great broad question and it is inseparable from the principle of free trade. Of course, as hon. gentlemen know, I strongly advocate free trade with Great Britain. The people of Great Britain give us free access to their markets for our produce. They give us the highest price for all that we can produce, whether it is cattle or whether it is wheat, no matter what it is, we get the highest price that is there, and they have to return to us, in payment for these articles, in goods, but when we receive our payment, we, who sell the produce, are taxed at the boundary line to the extent of 30 or 40 per cent, and to the extent that we impose that tax, we restrict our trade, we restrict our power to produce, we restrict our power to sell our surplus because we refuse to trade on equal terms. The more we remove the restrictions on our trade with the United Kingdom, the more the people of those isles, whose purchasing power exceeds that of any other nation, will purchase from us, and to that extent will induce production. The argument always is, "But we have got free trade with Great Britain." That is the greatest mistake in the world. We have not got free trade. We have the right of entry into British markets free, but we have not got the benefits of free trade. We have not got that inducement to the people of Great Britain to take advantage of the markets of Canada, by virtue of the free access that she has in these markets. Can any hon. gentleman, listening to me now, say for one moment that if the people of Great Britain had the same right to trade, and manufacture, and barter, and sell in the markets of Canada as Canadian people themselves have, that with a fair knowledge of the principles of free trade that they have been working under for fifty years, that they would not invest their capital in the development of industries, according to the principle of evolution or evolution that free trade gives. You invest your money and employ your labour and increase the consuming power, and trade goes freely without regard to restriction. Employment is more permanent as is evidenced from the fact that Great Britain has increased her population largely in the last decade, and that her emigration to the United States is below those nations whose protection largely induces their people to leave to escape the taxation or in consequence of the loss of employment. Now, can any hon. gentleman, who has the real interest of the country at heart, say that the development of such a system is a mistake that would lead to the employment of millions of unemployed capital that exists in Great Britain to-day because that capital is accumulating there, because the distress in the foreign countries where protection is

in force makes it unwise and risky to invest their capital in those protective countries. For that very same reason British capital shuns very much any investment in this country unless it is guaranteed by very substantial securities. But if the conditions in Canada, in this great broad territory were identically the same commercial system, were identical with the free trade system of Great Britain you would see every water power and every industry at work in Canada producing cheaply, enlarging its operations for exporting to the markets of the world. You would see the shipping on the St. Lawrence flowing backwards and forwards because there was the perpetual coming and going of these ships to bring trade and take it away again. That is the condition that would follow upon the principle that I am arguing for. A great many people think that when you speak of free trade that it is free trade with the United States. Now, so far as I am concerned, I would welcome most gladly free trade with the United States, but I recognize that while they are keeping up those hostile barriers, while they are fostering by enormous manufactures under a protective basis those large industries, that it would be unwise for us, at any rate until we have increased our commercial strength, our manufacturing strength, under a free trade policy, to lower our barrier to the United States excepting upon the basis of reciprocity, but with respect to Great Britain there is no such reason in force. We have the full benefits of their markets and we will give them the full benefits of our markets, and the very fact that that condition will follow a policy of that kind would so increase our population, would so increase our wealth, would so cheapen the resources of the country, would make the necessaries of life and industrial activity as economical as it was possible that the people of the United States, before ten years were over, if not in a shorter time, would be asking us for reciprocity instead of us going as we have been doing and begging them for reciprocity. I say that is the more manly and more dignified position for us to take and when we have our fellow subjects and those with whom we owe a common allegiance to a common sovereign, giving us the full benefits of their markets without any condition at all, I say that we are acting the part of unwise statesmen in continuing a condition that excludes the trade of Great Britain (which is such a large purchaser from us) from flowing freely into Canadian markets. Why should the manufacturers say that they are going to make our country, and for that matter all of Canada, where we are producing largely the natural products of the country, a close preserve and monopoly for them to raise the cost to us and increase the price of manufactured articles to us when more profitable markets can be found abroad for them under different commercial conditions.

Hon. Mr. PRIMROSE—Would the hon. gentleman pardon me if I interrupt him for a moment. I think it is a misapplication of the term altogether, a complete misnomer to characterize our industrial institutions as a monopoly. A monopoly is where people are prevented from entering into the same business. That, and that alone, constitutes a monopoly. There is not now in Canada, nor, so far as I know, has there ever been such a thing as a monopoly.

Hon. Mr. BOULTON—I am glad the hon. gentleman has risen to correct me, because it has given me an opportunity to enlighten him on a subject which he is not quite conversant with. A monopoly is when a number of industries combine under a trust and regulate the production and regulate the price and say to the people of Canada what price they shall enjoy the goods at.

Hon. Mr. PRIMROSE—That is not all the word monopoly means. It means that other people are prevented from going into the same business

Hon. Mr. BOULTON—In your own neighbourhood you know factories have been closed. Some gentleman told me that in Fredericton, I think, or St. John, that there is a factory that cost $100,000 to erect, I do not know whether it is a sugar factory or what it is.

Hon. Mr. DEVER—A rope factory.

Hon. Mr. BOULTON—It was closed and eight per cent interest paid to the owners of that factory to keep it idle. Do you mean to tell me that man is not prevented from carrying on his business? Do you mean to say he is not bought off by guarantees and sureties which make it more profitable to close his factory than keep it

open? That is only one sample. Every one of our factories are under the condition of trust. We have our sugar trust and our cotton trust and whisky trust, and we have every single one of our industries whose production have overtaken the demand in Canada under the management of a trust which regulates the production and price and takes from the people of Canada just whatever they see fit and sending out whatever they see fit.

Hon. Mr. PRIMROSE—I do not think you apprehended my position. I simply made the statement that in the case of the industries in Canada the word "monopoly," if properly applied to them, would mean that nobody else but that one concern or concerns of that character, could engage in the business, whereas it is open to the whole population if they choose to avail themselves of it. That is the position that I take, and I say that goes to constitute a monopoly and is the principle and broad characteristic of a monopoly independent of a trust altogether.

Hon. Mr. BOULTON—I would just like to read from this book again. Perhaps this is the kind of monopoly my hon. friend is referring to. I will again read an extract from Charles Francis Adams's article:—

But even as regarded the ordinary and almost universally accepted practice of protecting home industry against the foreigner, the system of 1816 was far in advance of the mild conceptions of 1866. The statesmen of that day shrank from no consequence of their theory. It was not enough to lay protective duties of sixty or one hundred per cent on rival enterprise. It was not even enough to tax at the rate of fifty per cent as a manufactured article the very mummies that were imported from Egypt, lest they should interfere with the British products. If the principle was good at all, it was held to be good to the extent of absolute prohibition; and as on the one hand, the law required that the Englishman who had been so unlucky as to die, could only go to his grave in a winding sheet of British woollen, so it was enacted that any man, duke or beggar, who might be suspected of wearing or possessing even a silk handkerchief of foreign manufacture was liable to have it taken from his neck, or his pocket, or to have his house entered and ransacked from garret to cellar. There was an element of the most intolerable tyranny inherent in the very nature of the prohibitive laws.

We have not arrived at that extent of monopoly to which my hon. friend at the present moment is referring, but I can assure the hon. gentleman if we continue the principle of protection and extend its power until it has got its grasp upon the country to such an extent that we can never overthrow it, we shall soon have that monopoly to which Mr. Adams refers, but it is a very gradual process and we could not take the dose at once, but as a French statesman remarked that protection was something like the farmer's wife who went upon the principle of getting as many feathers off her geese as she could without making them squawk, and that is about the position taken in any protective country. They do not want to make the people squawk, but they will pile it on as much as they can without allowing that squawk to take place.

Hon. Mr. LOUGHEED—May I ask the hon. gentleman if it is his intention to discuss generally the wide doctrine of free trade and protection under this notice? I simply point it out to my hon. friend at the same time that there is other important business before the House and as far as possible he should confine his discussion to the motion upon the paper.

Hon. Mr. BOULTON—I do not know that there is anything more important that we can discuss than the question we are now discussing. I am glad to see it is producing that effect upon my hon. friend from Cape Breton and my hon. friend from Alberta, that it is stirring them up a little. The arguments are getting a little too strong. But I say to them, take your medicine.

Hon. Mr. LOUGHHEED—I am willing to take it as far as the whisky and sugar is concerned, but I object, at this period to go outside of those two articles.

Hon. Mr. BOULTON—I do not, however, intend to impose myself on the patience of the House for any greater length of time. I, myself, feel so strongly upon the subject of not extending or maintaining the principles of protection and turning towards the principles of free trade, making the free exchange of commodities with Great Britain the basis, that I sent the following letter to the public press this morning, which I take the liberty of giving to this House:

To the Patrons of Industry.

GENTLEMEN,—In taking up my pen to address you upon public questions affecting the interest of the country I might perhaps more properly have

addressed my letter to the farmers of Canada, out of whom your organization has been formed. The Patrons of Industry, however, who represent a section of the farming community desirous of asserting their political views should receive the support and co-operation of the farmers generally, and in addressing you, I more directly regard you as the medium of an appeal on behalf of the agricultural interests of Canada. We are at one of the critical periods of our history, more critical than any other, since the inauguration of our national life. The next session of parliament will determine what political path the country will tread. That of free trade or protection. My object in now writing is to put on record any political experience I may possess that could serve you as a guide post at the cross roads. The Liberal party has been returned to power upon the advocacy of abolishing protection, and advancing towards free trade. While giving due credit to the Hon. Mr. Laurier and many of his followers for possessing an earnest and honest desire to carry out that policy, it is undeniable that there is a strong element in the Liberal ranks of parliament whose interests lie in an opposite direction, and quite sufficiently strong to defeat any effort the government might put forth to attempt an appreciable reform of the tariff policy of the late government. The leaders of the Conservative party have put themselves on record in this new parliament to maintain protection, and all that the protectionists in the Liberal ranks have to do is to avail themselves of the assistance of the Conservative party to defeat any advance towards free trade in any direction. That menace is quite sufficient to hold the Liberal party in check in any attempt to carry out their pledges to reform the tariff policy, although there may be as many free traders in the Conservative ranks as protectionists in the Liberal. The Patrons of Industry played the most important part in the recent general elections. Although they did not succeed in electing many representatives to parliament, they prevented the Liberal party from scoring a heavier victory which would have made them independent of the Conservative party, but not independent of their protectionist supporters. They also showed that they held the balance of power in all the rural constituencies, displaying a reserve force of great strength among the farmers. The agricultural interests of Canada represent a majority of the producing power, a majority of the exporting power and a majority of the voting power. Notwithstanding that important commercial and political position of the farmers of Canada, they are only directly represented in this House of Commons by 33 members out of 213, showing that there is a strong reserve force of considerable strength representing 70 parliamentary votes of the farming class which has not yet been brought into play, and that the agricultural community should rally not only with their votes but with their means to the support of the Patrons of Industry, the foundations of whose organization have been laid with strength and intelligence, yet lacking that political experience which a more generous support would ere long ensure them. Without aiming to be considered a political prophet my forecast is that when the present government finds itself thwarted in its tariff policy, rather than resign office the protectionist in the Liberal ranks will attempt to effect a compromise and seek to extend the principle of protection to the agricultural interests by a system of export bounties with the view of enlarging the protectionist interests, and there by attempt to increase its political strength in the country, and they have had the promise of the support of the leaders of the Conservative party to any measure of that kind. The reserve force of the farmers of Canada can through the Patrons of Industry intervene to turn the scale in favour of free trade with Great Britain, I desire to point out the evils of the export bounty system. First I would remind you that there are two classes in the community, one produces the national wealth, the other collects and distributes it, and protectionist legislation, no matter what form it may take, gives greater power to those who collect and distribute than to those who produce it, or in other words, gives to the former class control over it. The export bounty system as applied to agricultural commodities has a very taking sound, but it is unsound in its principle, and recoils with unerring effect upon those whom it is intended to benefit.

The most prominent example we have of the system is that in force on the continent of Europe where nearly all the nations of Europe compete with one another in the manufacture of beet-root sugar, firstly stimulated into life by high protection, secondly maintained by an export bounty, notwithstanding repeated efforts on the part of the nations to agree to abolish a tax that was proving itself to be a serious national burden to each of them. Beet-root sugar has largely driven cane sugar out of production in those countries where its growth is natural, and beet-root sugar is now rather more than half of the sugar produced in the world. The reason is not far to see, cane sugar is excluded from the markets of continental Europe, and in the open markets its value is reduced by an artificial lowering of the export value of continental sugars. An excise tax used to be put upon the beets by the ton, lately the excise tax has been put upon the sugar produced from the beets, it is out of this tax the export bounty is paid, so that the farmers who produce the beets have to provide the means to pay themselves the bounty and while the price of the article is artificially forced down in competitive markets by the unhealthy competition of continental nations with one another, they limit the consumption of sugar in their own country by artificially increasing the cost by the excise and protective tax. The result is that while the consumption in England is now about 87 pounds per head, the consumption in continental countries is from 25 to 35 pounds per head. We have a somewhat parallel case in Canada in our agricultural machinery, a duty is levied on articles composing the machinery and farmers have to pay that tax and a protective tax in purchasing the machinery, they are again taxed in maintaining the revenue used to pay a bounty equal to the duty to stimulate the export of machinery. We will suppose an export bounty of two cents per head was established to stimulate the export of butter, while the amount was small no special revenue would be necessary to maintain it, but when as is likely the export reached large dimensions like our cheese a source of revenue would have to be provided to pay it, because the money would have to come from some source, and an internal revenue tax upon the cows which provided the milk or the butter made from it would

be levied on the same principle as that which governs the beet-root sugar by an excise tax on beets, that those who are supposed to be getting the benefit of the protection and the bounty, should submit to the internal tax. Naturally any interest that is stimulated by a bounty will use its influence to maintain that protection, no matter what it costs the country, and regardless of the hidden features of tax which work injury to the interests they may pretend to foster, it is that influence that holds contintental countries in the grasp of what may be termed aggravated protection. Unfortunately, increasing the cost of a necessary by an artificial tax reducing the purchasing power of the home consumer and limits the sale in the home market. That has been made abundantly evident in the case of our sugar, in 1890 and 1891, when there was a tax upon sugar the imports were one hundred and seventy-four and one hundred and ninety-four million pounds. In 1892, when the tax was removed, it jumped to 345,000,000 pounds, and in 1895 to 489,000,000 pounds. A tax of half a cent on raw in addition to a protective tax of sixty-four one-hundredths of a cent on refined was imposed in May, 1895, and the result was that the imports to June 30th, 1896, fell to 267,000,000 pounds. If the tax on raw and protective tax on refined was removed, our imports would jump to four hundred, and four hundred and fifty million pounds, it would stimulate some of our most important agricultural interests, namely fruit-growing, canning and preserving, besides confectionery, biscuits, etc. These are all facts which the farmers should well ponder over before they allow themselves to be drawn into the meshes of the protective art for any supposed benefits they might derive from it. It is the fear that the country might be drawn into a net work of taxation from which there was no escape for want of a timely warning such as I now take the liberty of uttering as to the effect of certain political methods to maintain and extend protection, which, if put into force, must result disastrously to the producing and consuming classes, and in time react upon our financial and commercial classes. The platform of the Patrons of Industry is free trade with the British Empire and reciprocity with the world, meting out to foreign nations the same freedom of exchange that is meted out to us, the present tax upon which decreases our purchasing power and restricts our trade. It is a platform every farmer can subscribe to, and while it is a popular platform generally throughout the country, the exigencies of political parties in the meshes of protection require the reserved political force of the farmers of Canada, uniting without regard to party to assist those who are striving to rescue the country from the selfishness of protection its contracting influences to carry out their policy. As the subject would not be complete without pointing out the effects of free trade with Great Britain, if space will be kindly allowed, I will reserve for another letter the discussion of that phase of the question.

I remain,
Gentlemen,
Yours fraternally,

C. A. BOULTON,

OTTAWA, Sept. 28th, 1896.

I have probably said as much upon this subject as is necessary at the present moment. It is a question that will bear discussion and re-discussion because the secret of success in the advocacy of any good position is constant reiteration and giving it in small doses. I put my resolution in the shape of a resolution as the most feasible way of bringing it before the notice of this House. It is quite possible that the notice is not quite in accord with the rules of the Senate so far as we are excluded from proposing or dealing with financial matters. It is more a question of a discussion rather than any desire to interfere with the prerogatives of the lower House, so as to give any gentleman who desires to argue the question from an opposite standpoint, the fullest freedom, I have couched my resolution in the terms that I have put upon the notice paper and I will leave it to the House. I would reiterate my resolution; and that is that to the extent that you impose taxes upon any necessary of life you reduce the comforts of the population of the country, you restrict the trade of the country, and you prohibit the country from taking advantage of the extended markets of the world, which will multiply the products, increase foreign markets, develop our shipping facilities and develop everything that is manly and independent and moral so far as the resources of the country can do it.

Hon. Sir OLIVER MOWAT—The subject which my hon. friend has brought before us to-day is one of the most important which could possibly occupy public attention, and though the House is not disposed at the present to discuss the question, it is not because a due sense is not entertained of its vast importance. The speech which my hon. friend has made demonstrates to me that he has given the subject a great deal of attention, that he has studied it very closely, and he has collected a body of facts of very great interest; and the facts which he presented to this House, and the arguments which he has employed must receive attention when this subject is taken up for any practical purpose. I am not going to discuss the subject at present. A very large part of what my hon. friend has said I quite agree in and sympathize with. But still he has only touched a portion of a very large question, an important portion, but still only a portion of it. When we

take up the subject for a practical object, we shall have to consider not merely the matter of sugar, and the matter of spirit, but a great many other matters ; and next session I probably shall be in a position to discuss all these questions ; and certainly neither spirit nor sugar can be left out of any discussion which may take place. The object of my hon. friend, no doubt, was to bring this subject before the House and before the country, with a view to the education of us all, and the education of the people on the subject. It must be discussed over and over again in order to be thoroughly understood. I suppose my hon. friend does not desire to put the resolution to a vote, and now that he has accomplished his object and given an opportunity to hon. members to speak on it, he may not think it necessary to ask for a vote upon it but will withdraw the motion.

Hon. Mr. BOULTON—As I have explained, my desire was to place some facts and figures before the House, and, as hon. members are not yet prepared to discuss the question, I shall be very glad indeed to accede to the desire of the leader of the House and ask permission to withdraw my resolution.

The resolution was withdrawn.

RELATIONS BETWEEN PROVINCIAL PREMIERS AND THE DOMINION GOVERNMENT.

INQUIRY.

Hon. Mr. KIRCHHOFFER rose to :

Call the attention of the Senate to the impropriety of premiers of the various provinces receiving appointments, or employment with emoluments attached, or promises of such from the government of Canada ; and inquire of the leader of the Senate if it is the intention of the government to continue that policy ?

He said : The great question of principle which underlies this question is one of far-reaching importance. The Hon. Mr. Laurier has been extolled to the heavens for his wonderful sagacity and wisdom in having chosen a cabinet of little premiers. I would hardly wish to suggest to his admirers that possibly by this time he may have discovered, instead of its being a stroke of genius, he has actually committed a blunder. From a Conservative standpoint we shall watch with a great deal of interest the result of the experiment of grouping together, as followers, a number of gentlemen who have long been accustomed to habits of leadership. This experiment is not always a great success. I have seen, in a boat race, a yacht manned by seamen, each one of whom had been accustomed to being a captain in his own craft, and she was the worst sailed vessel in the race. But as one who is interested, no matter what administration is in power, in seeing the best available talent at the head of affairs, I venture to question the wisdom of selecting a cabinet of individual leaders from gentlemen who have been, so to speak, born and brought up and trained in the narrower sphere and more contracted arena of provincial legislatures, without any experience of Dominion politics, and ignoring the rights and claims of the old, tried, able and experienced parliamentarians who have, both in this House and in the House of Commons, as well as in the country at large, been fighting the battles of the party for the past one or two decades. The main question, however, shorn of its surroundings, is simply this—is it right, is it proper, is it moral that a gentleman who occupies the position of premier of a province, whose salary is paid by that province, and therefore by the people in it of every political stripe, should be subsidized by the Federal government, either with money or promises of position, so that not alone his own political services but his influence over those whom he has under his command and control should be secured for the government that is able to offer the inducement and that pays the emolument? I think I can show that the great reform leaders have time and again placed themselves on record in reference to this principle, unhesitatingly avowing their adherence to the policy of non-intervention and neutrality, maintaining that politically the Dominion and provincial legislatures should be strictly neutral, neither one of them helping or hindering the other. Mr. Blake, in announcing the policy of the Blake-Scott government of 1871, said :

The position of the Reform party in regard to the Federal government is that they argue against alliance as well as hostility. Their position is this : that the local government should be perfectly independent of the central government and should neither be entangled by alliance nor embarrassed by hostility. The independence of each of the provinces is necessary for the proper working of the federal system.

In addressing the legislature of the 23rd December, 1871, two days after the formation of his Cabinet, he said, as reported by the *Globe* of that date :

The first point upon which I desire to state the policy of this administration is in reference to what may be called the extreme relations of the province. My friends and myself have for the past four years complained that the late administration was formed upon the principle and understanding that it and the Dominion government should work together, playing into one another's hands, that they should be allies. There exists, we think, a well-founded belief, at any rate a widespread belief, that this was the arrangement and that it has been carried out. My friends and myself thought, and my administration now thinks, that such an arrangement is injurious to the well-being of confederation, calculated to create difficulties which might be avoided, and that there should exist no other attitude on the part of the provincial government towards the government of the Dominion than one of strict neutrality. That each governments should be absolutely independent in the management of its own affairs. We believe that the government of the province ought not to assume a position of either alliance or hostility towards the government of the Dominion.

Mr. Mackenzie, in addressing the electors of West Middlesex, thus laid down his principles :

One point that he had urged against the late government (that of the Hon. John Sandfield Macdonald) was that it was the creature of the Dominion government. The new government proposed that no matter what government was in power in Ottawa the government of Ontario would be free from all outside influence and power.

And again :

It is much better in every way, better in the general interest, that each should pursue its own particular line, and attend to its own affairs, just as the municipal bodies in Ontario are practically uncontrolled in any way by the government of the province, no matter who may be in power.

The same gentleman, from his seat in the Dominion House, had on a previous occasion stated :

It has been frequently asserted that there is a close connection between this (Sir John Macdonald's) government and the government of the local legislatures. It is desirable that there should be no connection whatever between the central and local governments, and I feel it to be my duty to bring this principle before the House.

Now hon. gentlemen, when we contrast these burning words of the two great leaders whom I have quoted with the actions of those upon whom their political mantles have descended, must we not say, perhaps more in sorrow that in anger, "how have the mighty fallen." We cannot, of course, you will understand, object, under certain circumstances, to men who have taken leading parts in local politics being called into a Federal Cabinet,—that is but a logical sequence. We had an instance in the calling of the then Premier of Quebec, Hon. Mr. Taillon, to Sir Charles Tupper's Cabinet. But how was this appointment carried out? Did the leader of the government offer to him a cabinet position as an inducement that, if the party was able to carry the country, he should receive that position, and did the hon. premier remain in his lucrative position with the understanding and with the knowledge that if the party did carry the country he would be promoted to a position yielding more than twice the salary of the one that he then enjoyed? Now I would ask what would be the attitude of any premier who had made such a bargain? Could it possibly be that of strict neutrality? Could it possibly be so with the knowledge that his attainment of that portfolio was contingent upon the party that he was bound to support succeeding in the election? I think that any premier and any man would be more than mortal who, under those circumstances, would not use the great influence and power which he possessed over those whose positions were under his control, the pressure which he could place upon those within his grasp, to carry out the bargain that was to give him power and position and emoluments. But this was not the attitude adopted by the Hon. Mr. Taillon. He resigned his position as premier and his seat in the legislature and took his place amongst those who were fighting the constituencies. The hon. gentleman fell, as we all know, and to-day finds himself without a seat in either legislature; but whether is his the more honourable position or that of certain gentlemen belonging to the legislatures of Ontario and Manitoba who, although supposed to resign their positions for the purpose of contesting Dominion constituencies, it is now openly stated have not done so, or else those resignations, if they were sent in, have not been accepted. I refer to the constituencies of Lakeside in Manitoba and I think Nipissing in Ontario. I do not state this of my own personal knowledge because I have had a good deal of difficulty thrown in my way in ascertaining the facts, but I have, as I said before,

heard it openly stated, and seen it openly mentioned in the papers, and I have not seen it contradicted, but I shall be very glad if it can be contradicted.

Hon. Sir OLIVER MOWAT—What is stated?

Hon. Mr. KIRCHHOFFER—That certain gentlemen, who were supposed to resign seats in the local legislature for the purpose of contesting Dominion constituencies, now, after having been defeated, ascertain that their resignations were not accepted.

Hon. Mr. BOULTON—The law in Manitoba does not necessitate a local member resigning to run for the Dominion?

Hon. Mr. KIRCHHOFFER—The Dominion Act does though.

Hon. Mr. BOULTON—No, the Dominion Act does not either.

Hon. Mr. KIRCHHOFFER—I understand that it is so. At all events, even though one may, by some act or other, get around it, I think it is a most reprehensible practice, and the fact remains although it is some four or five months since those gentlemen were supposed to have resigned, we have heard nothing yet so far of writs being issued for those constituencies to replace the gentlemen who were supposed to have resigned for the purpose of contesting Dominion constituencies. Now, I have given an illustration of what has been done by a Conservative premier, let us see what has been done by the Liberal premiers and the Liberal leaders of provincial governments under similar conditions during the late general elections. Has their attitude been that so well defined by the Hon. Mr. Blake as one of strict neutrality? I think that amongst the foremost offenders in transgressing this principle we shall find one of our own household. I understand that in this province the hon. leader of this House stumped the country and appeared upon the platforms with his party leaders, and I say he would have been more than mortal, under the conditions under which he did so, if he had failed to use the very strong power which we all know the government of Ontario possesses over those who are under it to assist in the strongest way in electing the government when we know that the election of that government meant to him the attainment of place and power and emolument. I do not wish to say anything that could be construed as rude or harsh to a gentleman for whom I, in common with hosts of others in this province and outside of it, have such a high regard and respect, but the same great ability which has for the last quarter of a century governed the destinies of this great province in such an admirable manner was able to point out, with singular astuteness, the conditions under which his service could be secured. It seems to me that the great difference depends on who it is that does those things. History teems with instances of men who have been condemned to obscurity for what others can do with impunity. Shakespeare says:

> "That in the captain's but a choleric word
> Which in the soldier is rank blasphemy."

But I am bound to say, I think if the hon. gentleman, when he occupied a seat on the bench, had had tried before him an election petition in which such a bargain had been proved, and it was established that it had clearly affected the result, he would have been obliged to find it a corrupt practice within the meaning of the statute and to void the election. What has been the result of the assistance which has been given to the government by these provincial governments? I find that not only in this province of Ontario, but in the various other provinces, the system has been worked, and the principle laid down by the leaders of the Reform party has been violated. In Manitoba certainly they have recognized the principle of strict neutrality, and in a certain rough-and-ready, practical, woolly-western way they have insured the strict neutrality in local elections of all the Tory government officials by disfranchising them, but I am also speaking of what I know when I say that in the province of Manitoba every engine of the government was put in force in order to encompass the defeat of the Tory party. The western judicial district of which Brandon forms the centre, was particularly offensive in many ways. The court house and jail, the registry office, (with the exception of the district registrar who kept himself to himself during the elections,) the Lunatic Asylum and all these other provincial institutions which are bulging out through the doors and windows with Liberal workers who have been put there for their services, all de-

bouched their hordes of Liberal workers over the country until it assumed the dimensions of a grave scandal. I have no doubt very many hon. gentlemen in this House can point to illustrations in their own provinces of the same thing having occurred. I daresay that in every province of the Dominion, in provinces of which I cannot speak personally, the same thing has occurred and how has this eventuated? How have all these provincial premiers been rewarded for these services? I have spoken of the way in which one of them has received the largest reward of all —a seat in the Cabinet and a seat in the Senate. But others also have received a similar reward. The premiers of Nova Scotia and New Brunswick have been transferred from their provincial portfolios to Dominion cabinet positions; and, as has been pointed out before in the debates in this House and in debates in the other House, they have already begun to introduce the virus of their petty provincialism into the Dominion body politic. But it is only recently that one of these little premiers has received his reward. As hon. gentlemen all know, there is shortly to be held an arbitration between this country and the United States, in which some of the very gravest questions in which Canada is involved are to be discussed and arbitrated upon. Now, in a question which was put by the leader of the opposition to the leader of this House a few days ago, so little importance did the leader of the government attach to this matter that he was unable to recollect the name of one of the counsel who had been selected to represent Canada on this arbitration, and when the name was subsequently elicited I do not think any one was wiser as to who it was; but one gentleman's name was at once recollected. There was no question about that. It was the Hon. Mr. Peters, the premier of Prince Edward Island, who has been appointed, as I understand, leading counsel in this arbitration. Now, I think most of my hearers will agree with me that, in a matter of this importance, counsel should have been employed by the Dominion whose names were household words, and the employment of whom would of necessity carry with it great weight to the electorate and the country at large. I mention the names of Mr. B. B. Osler, Christopher Robinson and others who will occur to all of you who are acquainted with the bar of Canada, whose names would carry with them the assurance that all that legal ability and trained acumen could bring to bear upon the subject under discussion would be given to it.

Hon. Mr. POWER—Would the hon. member allow me to interrupt? He shows that he is not familiar with the condition of things in the lower provinces where Mr. Peters is known. His name carries just as much weight as the names of the gentlemen the hon. member mentions.

Hon. Mr. KIRCHHOFFER—I do not question for one moment that Mr. Peters is a gentleman of great ability and wide legal attainments, but at the same time the lower provinces are not the whole of the Dominion of Canada, and I venture to say that the gentlemen whose names I have mentioned are far more widely known than Mr. Peters can possibly be, and I also venture to say that, if it had not been for the position which he occupied as premier of the province, and the part he took in putting the Tory government out of power, he would not have been appointed to that position. And what is more, I say it is perfectly plain to me, and I think to a great many other gentlemen, that this is not a selection on account of Mr. Peters's ability, but a reward to a political partisan for political services. Now, hon. gentlemen, I might be asked, do not I, and did not Mr. Blake—I rank us together, you see I like to be bracketed with these great Liberal leaders—do we not exaggerate the dangers which might occur by these entangling alliances, as he has called them, between the local and federal governments? I have only to quote one case which has occurred in Prince Edward Island, which I am sure will be fresh in the memory of all the gentlemen who come from that part of the country to show that the great Liberal leaders were far sighted in pointing out the difficulties and dangers which beset such a policy and how it might, as Mr. Blake said, be injurious to the well-being of confederation. What is known as the Treaty of Washington, was signed in 1871, between Great Britain and the United States. Under its provisions a commission was constituted to ascertain the difference in value for a period of twelve years between the free use of Canadian and Newfoundland fisheries by United States fishermen, and the free admission of our fish and fish oil into the United States markets.

Sir A. T. Galt was appointed the representative of Her Britannic Majesty, and a number of counsel were appointed to represent Great Britain and Canada, and amongst others was the Hon. Mr. Davies, the premier of Prince Edward Island. The other counsel were Joseph Doutre, Esq., Q.C., of Montreal, S. R. Thompson, Q. C., of New Brunswick, Mr. Whiteway, of St. John, Newfoundland, and R. L. Wetherbe, Esq., Q.C., Halifax, N. S. Separate cases were made by Canada and by Newfoundland, the former claiming twelve million dollars and the latter two million eight hundred and eighty thousand—a total of $14,880,000. This commission met in Halifax in 1877, during the regime of the Mackenzie government, and they subsequently made their award, finding five and a half millions due by the United States to Great Britain, and they allotted four and a half millions to Canada and one million to Newfoundland. Mr. Davies received the sum of fourteen thousand six hundred dollars, I think, for his services, and at the same time he was, of course, drawing his salary as premier of the island and Attorney General. The Mackenzie government resigned in the month of October, 1878, and the award was made in the month of November the same year. Now, it will be noticeable that as long as the Mackenzie government remained in power, there were no entangling questions between the Dominion Liberal premier and the provincial Liberal premier who acted as his counsel. In fact, I do not think that Mr. Davies could then have considered that he was entitled to the demands which he subsequently made, because if he had done so, I presume he would have made an attempt to collect the claim of his province from his friends while they were in power. But shortly after the resignation of the Mackenzie government, Mr. Davies, the premier of Prince Edward Island, discovered that the Mr. Davies who was counsel for Canada had made a very awkward mistake. It was found then, although the little island as a member of the confederation had put in her claim in the general Canadian claim, that she had a separate and distinct claim altogether as the province of Prince Edward Island. Now, the transformation of Mr. Davies after he ceased to be counsel for Canada, and had then resumed his other occupation of premier of Prince Edward Island, was very rapid and complete. We have all of us read that very powerful story of Louis Robert Stevenson's, "Dr. Jekel and Mr. Hyde," in which one man possesses a dual identity. Well, hon. gentlemen, I do not think any Jekel or Hyde transformation was ever more rapid and more complete than that which took place from the counsel for Canada at this commission to the premier of Prince Edward Island; and in accordance with his views on that occasion Mr. Davies introduced and passed in his council a minute, a portion of which I crave leave from the House to read, as I think it is one of the most extraordinary State papers ever presented to Canada, and shows, in the most marvellous way, how one province can seek to claim the advantages of confederation, and at the same time repudiate its responsibility. This minute, passed on the 19th February, 1879, was as follows:—

MEETING OF THE EXECUTIVE COUNCIL IN COMMITTEE.

Present:

Hon. Mr. Davies,	Hon. Mr. Dodd,
Yeo,	Robertson,
Laird,	McMillan,
Stewart,	Farquharson.

The following minutes were adopted and ordered to be handed to His Honour the Lieutenant Governor for transmission to the Dominion government:—

The Executive Council in committee having had under consideration the award of $5,500,000, made in favour of Great Britain, by the Fishery Commission appointed under the provisions of the Treaty of Washington, and the special claims which this province has to a portion thereof, beg to submit the following remarks for the consideration of the government of the Dominion of Canada.

1. One great contention between the respective governments of Great Britain and the United States before that commission was whether the fish caught by American fishermen was taken within or outside of what is known as the three-mile limit. A vast preponderance of the evidence showed clearly that two-thirds or three-fourths of the mackerel taken by the Americans was caught within that limit, and the award of the commission was made upon that basis and could be sustained upon no other.

2. The fisheries within such limit around the coast of this island are among the most valuable of any conceded to the Americans, and were so spoken of, not only by the witnesses produced on the part of Her Majesty's government, but also by those who gave evidence on the part of the United States. The Hon. Mr. Foster, the United States agent, and one of her leading counsel before the commission, in his able closing address, admitted "that the three-mile limit off the bend of Prince Edward Island, and down by Margaree, were the two points to which almost all the evidence of in-

shore fishing in this case related." A very large proportion of the testimony respecting the catch of mackerel by American vessels referred to the "Bender Bight" of this island, and a universal consensus of opinion existed as to the wonderful richness of the mackerel fishery in these parts. It is submitted, therefore, under the evidence, that no reasonable doubt can exist that the great value of these particular fishing grounds, the eagerness with which the Americans have always sought access to them, and the great quantities of mackerel which they have been accustomed to catch there, contributed materially to the award made in favour of Great Britain.

3. These fisheries have always constituted, and been looked upon as one of the great sources of wealth of this province. Destitute of all mines and minerals; without manufactures, or any of those facilities by which they can be successfully established; our limited supply of lumber becoming rapidly exhausted; isolated from the mainland, and consequently deprived of the advantages which our more fortunate neighbours in the adjoining provinces enjoy from the great canals, locks and railways which the liberality of the Dominion government has provided, our province and its people have had to rely—and in the future more than ever must rely—upon their agricultural and fishing productions alone.

4. The Treaty of Washington under the provisions of which the Fishery Commission sat and made their award, was ratified by the legislature of this province on the 29th day of June, 1872, and before it had become a part of the Dominion. The right of each separate province to receive such a proportion of the award as the value of its fisheries, bears to the entire fishing privileges opened to the United States fishermen by the treaty of Washington, has already been recognized by Great Britain in the case of Newfoundland, and being based upon the commonest principles of justice and fair play, cannot be questioned. This province became a part of the Dominion on the 1st July, 1873, the day on which the provisions of the Fishery Articles of the Washington Treaty came into force; its rights as a separate province, therefore, to make any representation to Great Britain for payment of any proportion of this award, ceased, and it now becomes necessary to press the claims upon the Dominion to which the balance of the award, after deducting Newfoundland's portion, has been paid.

5. The terms of union agreed upon between this island and the Dominion are naturally silent upon the subject. The appointment of the commission, although agreed upon by the terms of the treaty had not then been made. The amount of its award could not even be approximated, and any allowance to this province, as and for its share, was at that time out of the question. The silence, however, of the terms of confederation, and the delays in the constitution of the commission cannot, it is submitted, in any way prejudice the rights of the province. The island did not, neither was it asked to, surrender its rights to a fair proportion of whatever sum might be awarded, nor was any equivalent offered or accepted in lieu of it. That right was a territorial one which, had the island remained out of confederation, would not now be recognized, as in the case of Newfoundland; it remains intact to this day, and it was, we believe, understood by the gentlemen who negotiated the terms of union, that it should so remain until the award was made and paid over. It is quite true that, by the British North America Act the exclusive legislative authority of the parliament of Canada extends *inter alia*, to the sea coast and inland fisheries, but no reasonable construction of this language can entitle the general government exclusively to the money paid by the Americans for the privilege to enter and fish for 12 years in the territorial waters of this province. That right was not granted by the party of Canada, but by the legislature of this island when it was a separate province in the legislation of 1872 by which the Treaty of Washington was ratified. It was granted upon then clear understanding that its value should be estimated by impartial commissioners, and when estimated, should be paid by the United States to Great Britain for the benefit of those entitled to it. That estimate has been made and embraced in the calculation of similar privileges conceded by the Dominion of Canada, apart from Prince Edward Island, and unless it can be clearly shown that this province has deliberately surrendered its right in this particular, the only question remaining for determination is the proportion of award which this province is entitled to receive.

6. The concession of the privileges granted the Americans by the Treaty of Washington, so far as they relate to this island, have operated and will continue to operate strongly against the fishermen, depriving them of the monopoly which practically they enjoyed from their proximity to the richest fisheries of the gulf, and thus materially reducing the profits and wealth of a large percentage of the population. The result of this upon the government of the province is necessarily injurious; the taxable property within its jurisdiction is depreciated very largely in value; the volume of capital invested in the fisheries and which, for some years, before the coming into force of the Treaty of Washington had largely increased, offers, and will continue to offer smaller returns than otherwise it would and the losses, direct and indirect, fall solely on the province and its inhabitants. If, on the other hand, the money awarded, and which was intended in some measure as compensation to the provinces territorially possessing the privileges conceded to the Americans, is to be shared by the far off provinces of British Columbia, Manitoba and the rich province of Ontario which have only a general and indirect interest in the subject, it is submitted that the Maritime provinces, and Prince Edward Island, especially, will suffer a great wrong. Had the territorial rights of this province in its fisheries, and also its right to participate in any award made pursuing the to the Treaty of Washington been surrendered in return for some concession or consideration granted by the Dominion government, then, no matter how grievous it might appear that. as a province, we were not to share in the money awarded, still, no complaint would be justifiable; but, as already has been shown, no such surrender has been made. The ratification of the treaty was enacted by our legislature before confederation, the authority to legislate upon our fisheries, vested in the Dominion by the British North America Act, does not imply a right to sell or rent them; the sale or rental of them to the Americans was not, so far as this island is concerned, made by the Dominion; the purchase

money or rental paid by the Americans for the right to use them for 12 years has never been assigned away by the province. The terms of union agreed upon between the island and the Dominion while expressly providing that Canada should assume and defray all charges for the protection of fisheries are entirely silent as to the surrender, by this province, of its rights under the treaty of Washington. To imply such a surrender would be a forced and unnatural construction of a compact which is so particular and exact in its definitions of the rights and privileges conceded by the Dominion to the province and the province to the Dominion.

7. The Council in Committee feel assured that the Dominion government will, after a careful examination of the facts, acknowledge the right of this province to be paid a fair proportion of the award. To determine what that proportion justly amounts to, is no easy matter, it is naturally incapable of being reduced to an arithmetical certainty, but this much is clear—that if, as between the Dominion and Newfoundland, the sum of one million dollars was deemed the latter's fair proportion, no less sum could with justice be offered this province. The Council in Committee repeat, without in any way disparaging the claims of the other Maritime provinces, that the evidence taken before the commission and which they have carefully examined, places the fisheries of this province among the most valuable in the Gulf of St. Lawrence and of those most eagerly sought for by the Americans. They further submit that no appropriation of our share of the award by the general government for the construction of public works would be just or satisfactory; that the plan which best recommends itself to the people of this province and which in itself is most just, would be the funding of the amount by the Dominion government, for the benefit of this island and the payment thereto, semi-annually, of the interest for the purposes of its local administration.

In conclusion the Council in Committee repeat that Prince Edward Island is legally entitled to be paid a portion of the award made under the Treaty of Washington and secured by the Dominion of Canada, and that the sum of one million two hundred and fifty thousand dollars is its fair and just proportion.

Certified.

(Sgd.) WILLIAM C. DESBRISAY,
Clerk Executive Council.

That is one of the most extraordinary documents ever submitted by a provincial to the federal government. But Mr. Davies was just in the position of a lawyer who has had a claim for a client and has obtained a verdict for him, and as soon as the money has been paid in court, turns round and garnishes it on behalf of another client. That is the position which he occupied in regard to this matter, and it is only an illustration of what Mr. Blake characterized as an entanglement, an alliance—an unfortunate alliance—between these governments, to prove that although Mr. Davies must have had in his mind such a matter as this, he still never put it forward, or never promulgated it as long as the Mackenzie government remained in power, I suppose because he did not want to oblige them to refuse him, but as soon as the change took place, it was at once brought forward. And what was the result? It was refused. Nothing further was done about it, and Mr. Davies never pressed it any further. Therefore, the matter is in this position, either Prince Edward Island has suffered a very great injustice in not getting what she was entitled to, or else this matter must have been brought forward by the provincial premier at that time, not with the intention or expectation of ever being able to collect it, but for the purpose of causing trouble between the province and the Tory government which had just come into power. I just mention this case as an illustration of how very unfortunate it is that there should be this sort of alliances. and to repeat as Mr. Blake laid down in the remarks I read at the opening of my address, that the provincial government and the federal government should not seek either to hinder or to help one another. Of course, there is nothing that has ever seemed to me more beautiful, more fine than the professions made by our friends the Liberals when they were in opposition. Their resolutions were most virtuous, and their ideas were high and noble and lofty; I only wish, now that they have the power, now that they are in power themselves, and could put these noble aspirations into execution, that they would do so even to a fraction of what they tried to impress upon the Conservative government when it was in power. But, hon. gentlemen, they used to go a little too far; their aims and aspirations were a little too high. If they had been able to carry them out—if they are able to carry them out now, this country would get into a halcyon condition something like Macaulay describes in his Lays of Ancient Rome:—

> Then none was for the party,
> But all were for the State;
> Then the rich man helped the poor,
> And the poor man loved the great.
> Then spoils (ah *spoils* then too) were rightly [portioned,
> Then lands were fairly sold,
> For Romans were like brothers,
> In the brave old days of old.

Hon. Sir OLIVER MOWAT moved the adjournment of the debate.

Hon. Sir MACKENZIE BOWELL—Before the motion is put, I would suggest, as we have not been hard-worked during this session, that we should meet and finish this debate to-night. There are other important motions on the paper, which, I think, are considered by the gentlemen who placed them there, of sufficient importance to render it desirable that they should express their views upon them. The intimation has already been made, I believe, in the Commons, that there is a probability of the prorogation of Parliament occurring at the close of this week. This is now Tuesday, and if we meet but one or two hours in the day, the business which will come before us certainly will not receive that attention that it merits. We have fifteen minutes before recess, and we should be delighted to hear my hon. friend until recess, and as long after it as he pleases. I think we should not adjourn the debate at the present moment, for the reasons I have given, unless it is intended—and I do not suppose the hon. gentleman really does intend—to try and prevent the other motions being brought before the Senate, or to block this one.

Hon. Mr. SCOTT—There are only two motions for to-morrow, and only two orders on the paper now, and I do not think we can anticipate that our time will be all occupied to-morrow. It is rather unusual, when the leader of the House proposes an adjournment, for an objection to be taken. We shall have abundance of time to-morrow.

Hon. Mr. DEVER—I would have been glad had the hon. leader been prepared to-night to meet the tirade of abuse that has been heaped upon him and upon other prominent men all over the country. I would like to have an opportunity to reply myself, because many things that have been stated to-night should be contradicted, and inasmuch as time will elapse before to-morrow many things will be forgotten; and if the hon. leader feels able to meet the long discourse of my hon. friend, I certainly would like to hear the debate continued to-night. Those gentlemen who feel aggrieved at the unwarranted attacks which have been made upon our prominent men—myself for one—would be most anxious to sit up to any hour to-night to give expression to feelings that are strong in our minds at present.

Hon. Sir MACKENZIE BOWELL—If the leader of the House is anxious that this debate should be adjourned, I will withdraw any objection I have, to meet his wishes. Still I would much rather go on. I know youngsters like myself have no objection to sit up till 12 or 1 o'clock at night.

Hon. Mr. KIRCHHOFFER—I was corrected with regard to one statement I had made with regard to the eligibility of a member who had resigned, and I would like to read the clause of the Act as to the disqualification of members. It reads as follows:

> No person who, on the day of the nomination at any election to the House of Commons, is a member of any Legislative Council or of any Legislative Assembly of any Province now included, or which is hereafter included within the Dominion of Canada, shall be eligible as a member of the House of Commons, or shall be capable of being nominated or voted for at such election, or of being elected to or of sitting or voting in the House of Commons, and if anyone so declared ineligible is, nevertheless, elected and returned as a member of the House of Commons, his election shall be null and void.

Hon. Mr. BOULTON—What I referred to was that the Manitoba laws permitted a man to run for the Dominion parliament without resigning his seat.

COLUMBIA TELEGRAPH AND TELEPHONE COMPANY'S BILL.

FIRST AND SECOND READINGS.

A message was received from the House of Commons with Bill (21): "An Act to incorporate the Columbia Telegraph and Telephone Company."

The bill was read the first time.

Hon. Mr. POWER moved the suspension of the 41st and 60th Rules so far as the same relate to this bill.

The motion was agreed to.

Hon. Mr. POWER moved that the bill be read the second time.

The motion was agreed to and the bill was read the second time.

HULL ELECTRIC RAILWAY COMPANY'S BILL.

FIRST READING.

A message was received from the House of Commons with Bill (20): "An Act respecting the Hull Electric Railway Company."

The bill was read the first time.

Hon. Mr. CLEMOW—That bill is not printed. I object to the first reading.

Hon. Sir MACKENZIE BOWELL—I am not aware that it is necessary, or that it has ever been the rule, that the bill should be printed when introduced. If the hon. gentleman objects to the second reading of the bill until it was printed in French and English, his objection would be good under the rule, but I do not think his present objection is tenable. The motion has not been made for the second reading, and I suppose it would be useless to propose the same course with respect to this bill that was adopted with reference to the last bill.

The Senate then adjourned.

THE SENATE.

Ottawa, Wednesday, 30th September, 1896.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

OTTAWA, ARNPRIOR AND PARRY SOUND RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbours, reported Bill (15), "An Act to amalgamate the Ottawa, Arnprior and Parry Sound Railway Company and the Parry Sound Colonization Railway Company under the name of the Ottawa, Arnprior and Parry Sound Railway Company."

Hon. Mr. McCALLUM moved the third reading of the bill.

The motion was agreed to and the bill was read the third time and passed.

DISMISSAL OF MR. H. C. DIXON.

INQUIRY.

Hon. Sir MACKENZIE BOWELL rose to ask the leader of the Senate:—

1. Whether the statement which has appeared in the public press that Mr. H. C. Dixon, stamp vendor in the Toronto Post Office, has been removed from said position or notified that his services will be dispensed with on or after the 1st October, 1896, is true?
2. Whether a Mr. Hewett has been, or is to be, appointed to fill the vacancy created by the dismissal of Mr. Dixon?
3. Whether letters written by leading Liberals, among them Samuel Blake, Q.C., have not been received by the Government, or members thereof, protesting in strong terms against such change being made?
4. The reasons for such dismissal?

He said:—I do not propose to make any remarks upon this question until I hear the reply of the leader of the government in this House, as in all probability his answer may be sufficiently satisfactory to relieve me of any duty in that particular.

Hon. Sir OLIVER MOWAT — The memorandum that I am about to read answers all the questions: Mr. William Hewett has been appointed to sell stamps in the Toronto Post Office in the place of Mr. H. C. Dixon, wholesale merchant, of the city of Toronto.

Such license, the Deputy Postmaster General advises, has not been regarded as creating a permanent claim but merely a temporary privilege terminable at any time at the will of the department.

As an illustration of that, I may mention that in 1878, on the change of government which took place then, the stamp distributor at Halifax was immediately removed and another man put in his place, on the ground, I suppose, mentioned in the memorandum.

Hon. Sir MACKENZIE BOWELL—On the ground of his being a wholesale merchant, or on the ground of his not being permanent—which?

Hon. Sir OLIVER MOWAT—Well, I read about the wholesale merchant in the first paragraph. I made the observation with reference to the second paragraph I have

just read, and which states that the Deputy Postmaster General advises that such licenses have not been regarded as creating permanent claims, but merely temporary privileges, terminable at any time at the will of the department; and I ventured an illustration of that practice. The memorandum continues: Mr. Dixon states—and no doubt accurately—that he expends the most of the profits in works of charity. He is a man of wealth, and not dependent for his living upon that occupation. Mr. Hewett, the new licensee, is an old citizen of Toronto, now in reduced circumstances, and, in fact, without means of subsistence; and the transfer of this license to him will bring relief to a most deserving and needy man. No letters of the character referred to have been received. The Hon. S. H. Blake wrote a letter, of an apparently private character, referring to the matter, which has been received by the Postmaster General, but it is not of the character suggested in the question.

Hon. Sir MACKENZIE BOWELL—I wish to make a few remarks, in reply to a statement of the hon. leader of the House which was of an extraordinary character—that is, the ground that is being taken by the Postmaster General for the course which he has pursued. Here is a gentleman, as I understand, who has been the post office stamp vendor at Toronto for the last eighteen years who is removed, for what purpose? Not for any dereliction of duty, not because he has not fulfilled the functions of his office during the whole period he has been honoured with the confidence of the government and the people of Toronto; but to make way for a gentleman who, the hon. leader of the government says, is in straitened circumstances. That seems to be in direct contradistinction to the position taken by the Minister of Railways and Canals in the House of Commons a few days ago, that the position of officials appointed by Order in Council who were receiving large salaries were to be respected, and were not to be removed without the fullest possible investigation into any charge which might be laid against them; but that the poor man, who is working for the country at a dollar, or a dollar and a quarter, or a dollar and a-half a day, was to be removed on the mere *ipse dixit* of some politician who desired to have his place, or to have him removed. Why? Because he had the audacity, in the opinion of the members of the Liberal government and of the Liberal candidate whom he had opposed at the elections, to exercise that franchise which is the right of every British subject throughout the Empire. In the present case, a man who is represented to be a wholesale merchant is removed. Whether he is a wholesale merchant or not I cannot say, but he is represented to me to be one of the most charitable men in the city of Toronto, who devotes most of his time to relieving the distress of the poor, taking charge of what is called the fresh air fund for the purpose of taking poor waifs from the city to the country.

Hon. Mr. POWER—He will have more time to attend to that now.

Hon. Sir MACKENZIE BOWELL—I hope he will. I can only hope that the hon. member from Halifax may have the same charitable disposition and occupy as much of his time in alleviating the distress of the poor people in Halifax that Mr. Dixon does in Toronto. If so, I am sure no member in this House will raise a finger against him remaining in the Senate or receiving any reward that follows such charitable acts. This gentleman, Mr. Dixon, has been in the habit, as I understand, of devoting nearly his whole time in the way I have indicated. Perhaps some of my Toronto friends can tell me whether this Mr. Hewett, who is represented to be in adverse circumstances and who will be relieved by this appointment from the distress which results from a slender income, was formerly a member of the Toronto city council.

Hon. Sir OLIVER MOWAT—I do not happen to know whether he was or not.

Hon. Sir MACKENZIE BOWELL—Then it would be quite improper for me to refer to the reputation, as a member of the municipal corporation, that Ald. Hewett once had, because I might be doing this gentleman an injustice; but if the principle is to be adopted, as laid down by the Postmaster General, that because a man has a competency, as Mr. Dixon is presumed to have, he should be removed from office to make way for a supporter of the government who is poor, then let me suggest to the hon. leader of this House that that principle

should be applied to members of the Cabinet. The Postmaster General is reputed to be—I do not know how truly—a millionaire. Would it not be well for him, acting on the principle that he has laid down, to retire and allow some poorer member of the House of Commons to fill his position and receive the emolument which he now enjoys? If the rule works well in Toronto, why should it not work well in Ottawa? Why not let members of the Cabinet who are wealthy retire and give their lucrative positions to less fortunate members of their party in the House of Commons. I leave the question with the hon. leader of the House. I cannot believe that he, himself, would be a party to the laying down of any such principle as that enunciated in the memorandum he has read to the House. How did the Deputy Postmaster General come to make any such reports. The deputy head of any department never makes a report of that kind unless asked by his chief for the purpose of enabling him to carry out his purpose. Now the Postmaster General, I venture to say, indicated to the Deputy Postmaster General that he wanted to justify the course he wished to pursue, that he wanted to know the nature and the character of the office, if such it may be termed, that Mr. Dixon held. Having obtained that report instead of adopting a manly course and saying, I want that position for Mr. Hewett, as the other man is able to live without it, and therefore, I make the change, the Postmaster General goes about it in the way I have indicated, throwing the responsibility on the deputy head. My hon. friend from Halifax says this gentleman, Mr. Dixon, will have more time to attend to the charitable occupation in which he has been engaged if he is relieved from the responsibilities which devolve upon him in attending to the vending of stamps in the Toronto post office. Now, what are the facts? If I may be permitted to refer to a report that I saw in the newspapers of the explanation given by the Postmaster General himself, it is charged that Mr. Dixon employed two young girls to perform this duty of vending stamps in the city post office of Toronto, while he was attending to other matters. The Postmaster General states distinctly and positively that in the removal of Mr. Dixon he has made special arrangements that these two young girls shall not be interfered with. If they are to be retained, then Mr. Hewett is to reap the profits attending the sale of these stamps over and above what is paid to the young ladies who are actually doing the work. It is simply transferring the difference between that which he pays to those whom he employs and the receipts of the office, from one pocket to the other. If the complaint were that Mr. Dixon had not attended to his duties, that he merely farmed out the privilege he held and put the profits in his pocket, there might be some reason for the course that has been pursued; but in making the change, provision is made for the same farming operation, if such exists, to be continued in the future. It therefore resolves itself simply to this and nothing more or less—that an energetic politician in the city of Toronto wanted the position held by Mr. Dixon and had him dismissed. That is the gravamen of the whole action of the Postmaster General. It is a petty—I was going to say a stronger word—it is a petty act on the part of any minister to take such a step. I know nothing of the case in Halifax to which my hon. friend referred, but if it is similar or at all analogous, it is equally indefensible, equally reprehensible, to my mind, but it is somewhat singular that my hon. friend, who leads this House, should justify every improper thing he does, upon the ground that his opponents had done something equally bad. The Liberal party have been condemning us for years for doing certain things; they asked the electors to turn out the Conservative government because they did those things, and the moment they attain power, they do precisely the same thing, and justify it on the ground that they are following our example. I leave the hon. gentlemen where they place themselves, not only in the judgment of this House but in the judgment of this country. I do not sympathize at all with many of the people in Toronto for what has been done. Many of those who are now complaining, and complaining bitterly, of the action of the government in the dismissal of Mr. Dixon, are people who left the party to which they belonged, under some little excitement, and assisted in putting the Liberal party in power. They are receiving their reward and I congratulate them upon it.

Hon. Mr. ALLAN—I presume no one doubts that the office which was filled by Mr. Dixon is terminable if the government

desire to put an end to it, neither do I suppose any one can doubt that if the gentleman who filled that office had been guilty of any malversation or guilty of any dereliction of duty in his office, the government should remove him, but it seems to me that if any man has filled a particular situation such as this one, without any representations being made that he has in any way neglected his duties, or that they have been performed improperly, it is a most unfortunate thing to remove him simply because he is supposed to be well off. I did not know that Mr. Dixon was very well off, I very much doubt it. He may be a wholesale merchant, but it is news to me. But at all events, if a gentleman is faithfully performing the duties of any particular office, it is no valid reason why he should be discharged from that office because he may be supposed to be comfortably off. It is a most unfortunate instance of the policy that has been referred to several times lately —that the spoils belong to the victor—that Mr. Dixon has been discharged from that office simply to make room for a supporter of the present government. Now, I do think that is a most unfortunate principle to establish and the reference which my hon. friend made to a similar case in Halifax does not justify it unless two wrongs make a right. If a previous government did wrong in this respect, it surely is no justification for the present government to do the same thing, but rather the contrary. We expect a higher standard from the present government in view of all their professions, and it is very unfortunate that they should quote, in justification of what they do in that way, the acts of the previous government. I regret very much the dismissal of Mr. Dixon. I have known him by reputation for a great many years. I know him to be a most excellent man, and to a certain extent it is a slur upon him, that without any charge being brought against him of non-performance of his duties, he should be uncere moniously dismissed and another gentleman put in his place.

Hon. Mr. POWER—I may be allowed to say a few words on the matter. I know it is not quite regular to have a discussion after the leader of the House has answered a question which has been asked, but as the hon. leader of the opposition says, it is a poor rule that will not work both ways, and if the hon. members of the opposition are to have free scope in the discussion of questions, the rule will have to be extended so as to allow members supporting the government to do the same thing. Now, hon. gentlemen, the leader of the opposition possesses a certain advantage, which is not possessed by any other member of the late administration, because the hon. gentleman, as he has informed us on several occasions, has been particularly careful not to dismiss any man from the employment of the department of which he happened to be the head, for political reasons. In that particular respect the hon. gentleman stood alone in the late government.

Hon. Mr. FERGUSON—Oh, no.

Hon. Mr. POWER—I quite concur with the hon. leader of the opposition in thinking that it is a poor rule that will not work both ways. I know when the change took place in 1878—I cannot speak for other parts of the country, but I know that with respect to my own province there was an immediate dismissal of almost all the government employés who did not come under the terms of the Civil Service Act.

Hon. Mr. McKAY—Has the hon. gentleman got the names before him? Because he is making a general statement which I think is not correct.

Hon. Mr. POWER—I did not say all. I said almost all. I know that a change took place in the local government at the same time, and every Liberal official who was in the provincial building was dismissed. I know that in Halifax a similar position to that which is being discussed now, the vending of stamps in the post office was held by a gentleman named John Connolly, and as soon as the new government got comfortably in their seats and knew what they were about, the license to sell stamps was taken away from Mr. Connolly and given to a gentleman of the Conservative persuasion.

Hon. Mr. MACDONALD (B.C.)—Will the hon. gentleman allow me to interrupt for a moment? I wish to ask him did he approve of all those dismissals at the time?

Hon. Mr. POWER—I was just going on to say, if the hon. gentleman had not inter-

rupted me, that the Liberals thought, when the fight had been fought and they had been beaten, they had to accept the situation, If they went out of office they had to go, and the people who were not guaranteed a tenure of office, went out with their leaders. That was the uniform practice.

Hon. Mr. MACDONALD (B.C.)—Did the hon. gentleman approve of it?

Hon. Mr. POWER—We did not grumble about it. We accepted it as a matter of course, but the view of the hon. gentlemen on the other side seems to be expressed by the saying, "heads I win and tails you lose." If they had succeeded at the recent elections, their friends would remain in power, and they think that although they were defeated their friends should still remain in power. They did not practice this in 1878, or at any other time, and it would be almost impossible to carry on party government in any country on the terms the hon. gentleman seems to advocate.

Hon. Mr. ALLAN—So far as I know, and I think I speak with knowledge, I do not think that Mr. Dixon has ever interfered in politics at all.

Hon. Mr. POWER—Perhaps so; I do not know. But I am satisfied, because the hon. gentleman told us that Mr. Dixon had been appointed in 1878, the probabilities are that some Liberal who had had that privilege under the administration of Mr. Mackenzie was removed to make room for Mr. Dixon.

Hon. Sir MACKENZIE BOWELL—That is only an assumption.

Hon. Mr. POWER—It is a very reasonable assumption, because the hon. gentleman said that Mr. Dixon had been appointed in 1878.

Hon. Sir MACKENZIE BOWELL—I did not say so.

Hon. Mr. POWER—It was stated in the discussion. It is precisely like the case of Connolly, who was removed in 1878, and Mr. Morton was appointed.

Hon. Mr. BOULTON—If the Conservative party did wrong in 1878, it is no reason why the Liberal party should do wrong in 1896.

Hon. Mr. POWER—This high toned spirit which seems to pervade the Conservative party now, to use a slang expression, "makes me tired." Up to the present time it has never been contended that some of the spoils, at any rate, did not belong to the victors. I do not believe in the system, but as long as we have the present system, and as long as so many employés are not brought under the Civil Service rules, we must have these changes.

Hon. Mr. ALMON—I would remind my hon. colleague that Mr. Morton has been buried for four years, and unless you repeal the Act against raising dead bodies, you cannot put him in his office again.

Hon. Mr. POWER—That is a very good joke, but probably my hon. friend does not know that Mr. Morton's son succeeded to him, on his decease, so I was perfectly accurate. The leader of the opposition made a reference to the Deputy Postmaster General which I think was not a generous one—certainly it was not generous to the head of the department. I presume the thing happened this way. When application was made to the Postmaster General, he referred to his deputy to see what the status of those licensed vendors of postage stamps was, and he ascertained, on inquiry of his deputy, that those licensees had never been regarded in any sense as more than temporary employés, who could be removed at any time by the department.

Hon. Sir MACKENZIE BOWELL—Then why not state so on his own responsibility and not shoulder it on to the deputy?

Hon. Mr. POWER—Because the Postmaster General had to apply to the deputy, who was familiar with the business, to know on what terms these officers held their positions, and we all know that the Deputy Postmaster General is not prejudiced against the Conservative party. Some hon. gentleman said that the Liberals had found a great deal of fault with the Conservatives and had persuaded the people to turn them out of office for doing certain things, but I have never heard it alleged in any campaign as a crime on the part of the Conservative party that they had filled these temporary positions with their own friends, because we took it for granted they would do so. We did not

expect that temporary positions were to be filled by strong Liberals when there were strong Conservatives looking for them. I am afraid that, on the whole, a somewhat similar rule is likely to prevail in the future.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman must find stronger grounds for defending the dismissal of civil servants than he has given now. They are the most flimsy and absurd arguments that could be brought forward. He holds that because the preceding government did a wicked thing, therefore the present government are justified in doing the same.

Hon. Mr. POWER—The hon. gentleman has no right to misstate my argument.

Hon. Mr. MACDONALD (B.C.)—That was the whole argument of the hon. gentleman.

Hon. Mr. POWER—The hon. member is mistaken; that was not my argument. I used that as an illustration only.

Hon. Mr. MACDONALD (B.C.)—His justification for this dismissal was that the former government had done a similar thing at another time. That is the argument that has been used elsewhere. I believe there are plenty of men in this House who will not for a moment support or countenance anything improper that was done by the previous government. I for one will not do it. I know they were guilty of many acts of that kind, and if this government are to follow the evil examples of former governments and leave the good examples undone, there is very little to commend them to the people. I hope the leader of this House will never repeat an argument of that kind—that because the former government did wrong they will do the same thing. That is no valid argument, and it should not be used in this House by gentlemen of high standing in the legal world.

Hon. Mr. McCLELAN—I have heard it said somewhere that no one should go into court without clean hands. If the hon. gentleman from Victoria supported the government which did these wicked things and never made a complaint, it hardly rests with him now to condemn the things which he condoned on former occasions. I very much deplore the continual bringing up of this question of changes in the civil service by the leader of the opposition. Why? Because I am not in favour of dismissing civil servants without good cause myself. I have been acting for over 40 years in a representative capacity, and I have never been in favour of such dismissals, but I deplore these discussions because I believe that if this matter is to be brought up constantly and actions of the present administration are to be compared with multitudes of former transactions of the late government and those are to be investigated, it will only produce this effect, that the more that is said about it the greater will be the number of dismissals. That is the conclusion to which I have come, and that is why I deplore the bringing up of these transactions, many of them trivial, many of them necessary, many of them what might naturally be expected by anybody. If there is proper ground for changes of officials, I am sure the country will not complain that the changes are made, and I hope they will not be made without proper grounds. I heard the hon. gentleman from Toronto, whom I respect very much, say and state it in a most doleful way, that of all bad things the dismissal of a man without any direct charge being made against him was the most wicked. I ask my hon. friend and this hon. House if it is any worse to dismiss a man without any charge against him, than to dismiss a man by laying false charges against him. I can show this House, when the time comes, that officials have been dismissed on false charges made against them without giving them any opportunity to prove to the contrary.

Hon. Sir MACKENZIE BOWELL—That does not make the dismissal of Mr. Dixon right.

Hon. Mr. MACDONALD (B.C.)—The leader of the opposition knows well that I took his government to task in the strongest terms for dismissals in a summary way, and if they were in power to-morrow, I would do the same thing.

Hon. Mr. DEVER—I fully agree with the remarks made by the hon. member for Halifax. The leader of the opposition in this House is above doing an unkind act. I think that is his nature—at all events it is the opinion I have formed of him since I

came to know him, but I would remind the House that the country expects the present government to improve the civil service. It is my opinion that largely the elections turned on that point. I have nobody myself that I wish to put in or remove. The government should consider it their duty to consult the public interest in every case where they can dispense with civil servants whose services are not wanted, who occupy positions obtained through influence and not because they were required in the service. I do hope that no opposition of any kind in this House or elsewhere will prevent the hon. gentlemen who at present form the government of this country, from doing their duty faithfully to the people who elected them believing that they would do what was right in this as in other matters.

Hon. Mr. PERLEY—I quite agree with the policy " to the victors belong the spoils," but I think that only should apply to new appointments. The civil service and men in government employment differ from men in other employments in this country. They take their positions and devote their whole time, talent and ability to the duties of their offices and look to that occupation alone for a living, while men in other employments can have a diversified way of living. It should only be on the principle that a man is incompetent, or does not want to discharge the duties of his office, that he should be dismissed. Competency should be the basis of appointment, and a man appointed because of his fitness for the position he holds should not be dismissed because he happens to exercise his influence as a citizen of the country. I do not care what a man's position may be in the service, he should have the right of liberty of speech and action. Why should a man, because he is a government official, be prevented from speaking in an election? This is a free country. The Liberals claim to be reformers, and here they exercise tyranny of the worst kind in depriving citizens of this country of the right of free speech and action. I hold that any man who is fortunate enough to have his name on the list should have all the rights and privileges of an elector of this country. Because a government employé happens to vote for a man who is opposed to the party who succeed in getting into power, he should not be kicked out of office. This country does not belong to the government—it is the people's country, and the government are their servants. When they undertake to kick out an official because he exercised his franchise freely, they are doing what is wrong and unjust. If an official is not properly discharging the duties of his office, then dismiss him—he has a right to be dismissed, but if he is doing his duty, it is cruel and a grievous wrong to turn him out, and the party that pursues such a policy is not worthy the name of Liberal. Who are to take the places of the officials thus dismissed? Men who are ten times as rabid. The government put one man out on the ground that he is a partisan, to make way for a more violent partisan of their own. I do not care a snap about any of them in that particular. When I was living in New Brunswick I was a candidate in an election there and was defeated. A Conservative government was in power at the time, and I felt aggrieved because an employé who had done all he could against me was kept in office. I wrote to a cabinet minister and spoke to another minister to have this official dismissed, but they said no, it was not their policy. I thought the principle on which the government acted was wrong, and that the official who had opposed me should be dismissed, but when I came to think the matter over and give it serious consideration, I was forced to the conclusion that the government was right, and give this matter that serious consideration its importance demands. I agreed that the government was right, that the man was a British subject, that the official was a free man of the country and that he had a right to vote and express his opinion. I came to the conclusion at once that that policy was right and I bowed to the government of the day when they did not dismiss the man who opposed me. I would like to say this further, that if the government dismiss about one-third of the officials as time rolls on, and in that way lessen their number it would be a good thing, because there is no class of men in the country who work less hours for more money then the civil servants do, but when I see them dismissed all over the country for no cause at all, and their places filled by supporters of the government, I think it is a disgrace to the Liberal party.

Hon. Mr. McINNES (B.C.)—This discussion having taken a wide range, and hold-

ing strong views on the subject, I feel it my duty to enter a protest against the doctrine laid down by the hon. gentleman who has taken his seat and others. I claim that the government is justified in dismissing——

Hon. Mr. MACDONALD (B.C.)—Of course you do.

Hon. Mr. McINNES—In dismissing any civil servants who took an active part in the late election. That is the doctrine I laid down eight years ago, and some of the strongest members in the House supported me then, the hon. gentleman from De Lanaudière, Mr. De Boucherville, and some ten or twelve of the strongest Conservatives in this House at that time and at the present time supported me in that. My contention was then, and is yet, that the moment a man accepts a position in the service of his country, he accepts it with the full knowledge that he is to be deprived of what is known as the privilege of the franchise.

Some Hon. MEMBERS—Oh, no, no.

Hon. Mr. McINNES (B.C.)—That he then becomes the servant of the state, that he will go in there and occupy the position on the same basis as our judges, from our county court judges up to the highest judges in the land. They are not allowed to take any part in an election.

Hon. Mr. PERLEY—The judge is denied the right of voting and that is all.

Hon. Mr. McINNES (B. C.)—I say it is wrong for any man or party to encourage a system that puts civil servants in a false position and actually subjects them to coercion to take part in an election. I have known many instances where government employés had been obliged to go out and canvass for a candidate at a general election or at a by-election. It is doing the servant a great wrong. There is nothing that would elevate the standing of the civil service of Canada to-day more than depriving them of the franchise and placing the temptation beyond their reach—that no matter whether they are inclined to take an active part or not, the law would prohibit them from doing that. Let the government employé be deprived in the first place of the privilege of voting; should he then interfere, taking any side, for or against, I believe he should be punished severely or dismissed forthwith. It is very well to say we are depriving those British subjects of the privilege of the franchise. I say, as I said before, our judges the highest and most honourable men in our land are deprived of the franchise and we know it is for the general good, and know it would be for the general good if the civil servants were deprived of the privilege of the franchise.

Hon. Mr. PERLEY—There is no parallel at all?

Hon. Mr. McINNES (B.C.)—They would be the servants of the government just the same, and it would make no difference whether a Conservative or a Liberal government came into power, they would have civil servants in whom they would and could have confidence. I ask hon. gentlemen to bring this down to a business basis. Is there any hon. gentleman here engaged in any line of business that for a moment would have his chief clerk or accountant or junior partner an avowed enemy of his? Would he have him twenty-four hours in his service?

Hon. Mr. OGILVIE—Yes.

Hon. Mr. McINNES (B.C.)—Would he have him one hour in his service?

Hon. Mr. OGILVIE—Yes, and I can tell the hon. gentleman that the private book-keeper that A. W. Ogilvie & Co. had for twenty-six years was one of the staunchest Grits that was ever in Canada, and always voted against his employer.

Hon. Mr. McINNES (B.C.)—The hon. gentleman does not apprehend what I mean.

Hon. Mr. OGILVIE—Yes.

Hon. Mr. McINNES (B.C.)—If he was a business partner of yours, if he was your trusted business partner, would you retain him for one hour in your service?

Hon. Mr. ALLAN—The hon. gentleman said "enemy"—does he mean to say if there were two partners, one a Conservative and the other a Liberal, that it would not be perfectly possible for those two partners to get on in business? Does he think they

would have to separate because they differ in politics?

Hon. Mr. McINNES (B.C.)—I have known cases, where one is a Tory and the other a strong Grit, where they work in harmony in business. I am perfectly satisfied as to that, but I mean as applied to business and not to politics—as to the policy they would pursue in their business career—that is my point. Would you have in your house even a common servant that was a spy, that was an enemy of yours?

Hon. Sir MACKENZIE BOWELL—Does not the hon. gentleman know that nearly every law firm in Toronto is composed of both sides of politics. They do that for business purposes.

Hon. Mr. McINNES (B.C.)—I rose to protest against the doctrine that any civil servant would be degraded by depriving him of the franchise in elections for the government that he was a servant of.

Hon. Sir MACKENZIE BOWELL—Allow me to ask this question: Has anything been given by the leader of the government here to show that Mr. Dixon, whose case we are discussing, interfered directly or indirectly, or even voted at the election.

Hon. Mr. McINNES (B.C.)—I had not the privilege of being in the House when the hon. leader of the government answered the question.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is just drawing a red herring across the scent.

Hon. Mr. McINNES (B. C.)—I am speaking of the principle. I believe it is wrong. Let the civil servants in the employ of the Dominion government refrain from voting; in fact, deprive them of the privilege of voting and of taking any part in the elections. Give them all the privileges they want to have in provincial and municipal affairs, but as far as Dominion politics are concerned, I think it would be in their true interest if they were deprived of the franchise. I am quite satisfied that this state of affairs will go on, and if a change of government should take place, which probably may occur in fifteen, twenty or thirty years from now, the Conservatives, if they came into power about that time, may pursue the same course.

Hon. Sir MACKENZIE BOWELL—Don't draw upon your imagination.

Hon. Mr. McINNES (B.C.)—And I cannot blame them, but I do appeal to the government, in the interest of the civil servants of Canada, to deprive them of the right of interfering with or canvassing for a member of the House of Commons.

Hon. Mr. PERLEY—They are not slaves.

Hon. Mr. McINNES (B.C.)—I have no doubt it will be considered a hardship in this particular case, and a great many other hardships will follow no doubt, but I say put it beyond the reach and power of the government, whether that government be Liberal or Conservative, to coerce their civil servants.

Hon. Mr. CLEMOW—I had some little experience myself, some time ago, when the Mackenzie government went out of power. I was stronger in my political proclivities then than I am to-day. I made appeals in several cases to the government to displace men who had acted, in my estimation, in an unbecoming manner. I never could get the government to dismiss one man. I exercised all the influence I had, but I was told by the government, that they would not discharge any man for political reasons, unless some substantial charge was made against him and proved to their satisfaction. Now, I am here to defend the civil service. I believe a more capable and intelligent set of men you cannot find in any country in the world. I believe they are actuated by proper motives and will vote conscientiously, but I do not think they interfere in a manner that is objectionable on many occasions. I cannot say the same thing, unfortunately, of the Liberal party. I know employés, friends of the Liberal party, who were disagreeable during the Mackenzie régime. I do not find fault with that, but what I find fault with is that the Conservative government did not dismiss men who had made themselves obnoxious during elections. However, they would not do it, and they have been blamed from that day to the present for not turning out a great many Liberal officials. The Liberals of that day are still in office. The Conservative government acted in a straightforward manner, and I do not think

it is fair to bring up this case against them to-day. I was very much pleased to hear the hon. gentleman, the leader of the government, say that the Conservative officials of the provincial government in Toronto, were honourable and straightforward in carrying on their duties. It is a great disadvantage to have this patronage, and the Liberal government will find it out soon. There are many persons desirous of getting employment, and they bother the government and its supporters from morning till night, and make life a burden. I am glad to be relieved from it now. I do not believe that the Conservative government discharged one man for political reasons. At that time I was a violent politician, and did all I could to have political opponents dismissed, but never could get the government to dismiss them. They did not care for my support, because they thought they had that any way. These are practical facts to my knowledge.

Hon. Mr. FERGUSON—I did not intend to take any part in this discussion as I have a motion which will bring up a good deal of the same matter, but I wish to express my entire dissent from the views expressed by the hon. gentleman from Victoria (Mr. McInnes), who advocates the disfranchisement of men simply because they happen to be called to serve their country in some public employment. I think, if anything, it is a more monstrous and unjustifiable proceeding than the application of the spoils system itself. It is simply the very question which caused the disruption of the British Colonies in America in 1776, taxation without representation. Now, here an hon. gentleman is advocating in this House that a large body of men in this country, simply because they be called to some public employment, shall be deprived of their voice in the public affairs of the country. Laws are made that affect their persons and property and their nearest and dearest interests are affected by the parliament in the selection of which they are not going to have any voice. It would be a violation of the principle of representation, and I do not think it should find favour in any deliberative body in Canada. It was applied in some of the provinces. It has been applied, and by Liberals—would it be believed by Liberals? In the province from which I come, the Liberal majority in the local legislature have adopted exactly the same principle referred to by the hon. gentleman from New Westminster. But it is not a disfranchisement of the servants of their own government who might be amenable to influence from themselves, but they have disfranchised servants of the federal government. The same has been done in Ontario, where, I think, the principle has been applied of disfranchising the officials of the federal government and also in Nova Scotia. The effect would be degrading if it were adopted by this government, and I hope it never will be.

Hon. Mr. BOULTON—I wish to enter my protest against the ground taken by the hon. member for New Westminster. I certainly cannot agree with the extreme views he has expressed. I have great sympathy with the government in the pressure that is now being brought to bear upon them for the removal of officials in all parts of the country. That is undoubted. We have it from the mouths of the Conservative members to-day that they have used, in times past, some pressure and it was resisted. I certainly think that any government will raise its character by resisting importunities in that direction. With regard to what the hon. member from New Westminster has said, to carry it out to a logical conclusion we would narrow down the voting power of the people very much indeed if we made any advance, which I trust we will as time goes on, in changing our system somewhat. Supposing we were to adopt the principle of running our own railways, our own electric cars, and many public institutions, which I contend would be of advantage to the country to-day, every one of those men employed in the service of the country would be excluded from the franchise under such a doctrine as he has laid down here. I certainly think that our civil servants should feel it a point of honour to refrain from any excessive partisanship, to refrain from taking a position on a public platform to argue the questions of the day, but that they should have to be silent when a political opponent is by, or that have to change their views and lose their independence on account of their party proclivities, I certainly think is not the position that we should put our civil servants in. Our civil servants, which, I have no doubt the bulk of them recognize, are part of the machinery of government, but are not the ruling power which guides the policy of government no matter whether

they are the civil servants of the provinces or the Dominion, they are the servants of the Crown and must recognize the responsibility of those who are responsible for legislation. If they fail to recognize that they lay themselves open to censure if not dismissal. We have only to look at our neighbours over the border to realize the difficulties of the position. "To the victors belong the spoils," has been their motto, but they have felt the evil of that system to be so great that they are, as rapidly as they possibly can, changing it. As the better influences of the nation prevail, they are trying to do away with that system. The result of that system has brought into play one of the greatest evils that exist in the neighbouring country, and that is these corrupt organizations for the purpose of controlling legislation. No matter what party we may belong to, we should all feel that we should not do anything that would tend to bring about a change in the present system, but that we should respect our civil servants and extend to them the same freedom of thought and action that we claim for ourselves, but that they should be confined within the legitimate bounds appertaining to responsible offices.

Hon. Mr. LANDRY—I ask permission to add a few words to the remarks that have fallen from the lips of the different speakers and to give my own testimony on the question now before the House. In 1878, I was a candidate in the county of Montmagny, and in 1878 on every platform where I stood I was met by the officials of the day especially by those that were living at the quarantine at Grosse Isle. After the election took place I made a complaint against a man who had been following me about on every hustings, insulting me and using very offensive language. I never could succeed in getting him dismissed. The government kept him in his position, and he is now in the position he had at that time. This contrasts with the attitude of the new government now in power. In the county of Montmagny the Intercolonial Railway passes through three parishes, and in these three parishes which the railway crosses there are about six section men working on the Intercolonial Railway. The whole six of them were turned out without any inquiry whatever, simply on the complaint made by the member for that constituency.

Hon. Mr. MACDONALD (B.C.)—Turned out now?

Hon. Mr. LANDRY—They are turned out by the present administration, and this was the subject of correspondence which took place between the department and myself. On 13th August, Mr. James Yeo, who is trackmaster of a section of the Intercolonial Railway from Rivière du Loup to Quebec, wrote the following letter to Sifroid Fortin:

DEAR SIR,—I have been instructed to inform you that your services as section man will not be required after the 31st of this month.

Yours very truly,

JAMES YEO,
Trackmaster.

Naturally, Mr. Sifroid Fortin complained, and wrote to me. I communicated with the department. I sent a copy of the letter to the department, and, as the hon. Minister of Railways was at the time engaged in his election down below, I supposed that not having been informed of the facts, he would not take the responsibility of the doings that had happened. He wrote to me on the 1st September the following letter:

DEAR SIR,—Your communication of the 28th ultimo is the first intimation I have had upon the subject alluded to in your note. I see the letter quoted was dated the 13th August last, and at that time the duties of the department were discharged by one of my colleagues.

Should you desire me to do so, I shall make inquiries into the matter; but I should not think that any dismissal had been made by the Acting Minister without his being thoroughly satisfied that the person discharged had brought himself within the law laid down to guide us in these cases.

Yours truly,

A. G. BLAIR.

Hon. Mr. MACDONALD (B.C.)—There is no law provided.

Hon. Mr. LANDRY—That is what I wanted to know and I wrote back to the Hon. Mr. Blair the following letter on the 2nd September, 1896:

DEAR SIR,—I accept the offer made to me in your letter of yesterday, *re* dismissal of Sifroid Fortin, trackman on the Intercolonial Railway at Cap St. Ignace, and will be thankful if you will inquire into the matter, so that I may know in what manner the person discharged has brought himself within the law laid down to guide you in your department in such cases.

I have not yet received any answer to that letter written on the 2nd September. A few

days after I received a letter from another party in St. Pierre, Mr. Simoneau, another section man. He wrote to me and inclosed this letter :

August 24th, 1896.

DEAR SIR,—On and after the 1st September your service will not be required as section man by order of the chief engineer.

Yours truly,

JAMES YEO,
Trackmaster.

I immediately communicated with the Hon. Mr. Blair by letter, dated 15th September, as follows :—

I beg leave to call your attention to a second case of dismissal on the Intercolonial Railway as shown by the following letter.

I repeated the letter in the note to Mr. Blair, and I asked :

Could I know from you why Mr. Simoneau has been dismissed ?

Yours truly,

P. LANDRY.

This is the answer I received, dated 17th September :

DEAR SIR,—I have to acknowledge the receipt of your letter of the 15th instant, with respect to the dismissal of Mr. Simoneau, section-man at St. Pierre.

I really have no knowledge of the matter, as I have not been informed upon it. I think, however, if any change has been made, it has been carried out on the recommendation of the member for the county.

Yours truly,

A. G. BLAIR.

A few days after, I received a third letter from the same locality, sending to me another letter written by Mr. Yeo to the section foreman, J. B. Proulx, on 1st September. The letter reads as follows :

DEAR SIR,—On and after the 15th September your services will not be required as section foreman. You will give up all the tools and books to the foreman that will be appointed to take charge.

Yours truly,

JAMES YEO,
Trackmaster.

On receipt of that letter I communicated with the Hon. Minister of Railways, under date 17th September, 1896, as follows :

DEAR SIR,—A third dismissal on the Intercolonial Railway, in the county of Montmagny, has just occurred, and I think it my duty to call your attention to what I think a deliberate and continued system of injustice following up under the cover of your name. In none of these three cases brought to your knowledge was there the shadow of an inquiry, nor was a single reason given for the dismissal of Fortin, Simoneau or Proulx. The last dismissal is ordered in the following terms.

Then I repeat the letter from Proulx, and I continue :

I am still convinced that all those injustices are perpetrated out of your knowledge ; but you will easily understand that if they are allowed to remain unnoticed, if unjustified they stand, you cannot refuse to take the responsibility of the acts of your subordinates.

I read with pleasure your public declarations and as an act of justice to yourself and of fair play to all parties concerned, I ask you to let me know if those dismissals are approved by you, and what is the reason given to justify each of them.

Yours truly,

P. LANDRY.

I have not received any answer yet, but I see, by the answer given in the House of Commons, yesterday, to a question put by a member, that the reason given by the minister is as follows :

I have inquired and learn that they have not been continued in the employ. I did not learn of their discharge until the question of the hon. member brought the matter to my notice, nor was the department communicated with previously thereto to my knowledge. I shall make inquiry into the circumstances.

So that all these dismissals have been made without any inquiry whatever, and I defy any hon. minister to take the responsibility of those dismissals. There is no ground whatever for them. The parties had not meddled in elections. On the contrary, during the elections, when we were canvassing in that county, we thought that two or three of them were against us, though in fact they voted for our candidate. They were considered more Liberals than Conservatives, but the Liberal candidate at the time, the member for Montmagny now, knew better I suppose, and on his *ipse dixit* these six men have been, not merely suspended, but dismissed, and I suppose for the very fault for which they were dismissed other people who were as guilty as those who were dismissed have taken their places. I only bring this before the notice of the House so that the facts may be known to the public and to the government and so that the hon. member from New Westminster, when he becomes a minister, may not forget that

before going on with his programme he must at least find some cause for dismissals.

Hon. Sir MACKENZIE BOWELL—I wish to make an explanation, lest the remarks of the hon. member from Halifax may be misleading, so far as my position is concerned. My complaint was that gentlemen were dismissed without cause, and partisans of the government put in their places for no other reason than for political services. The remarks of the hon. member from Halifax would lead this House to the conclusion that I had objected to the appointment by the government of their friends to any office. Quite the contrary. When a vacancy occurs, I take it for granted that they will do precisely as I did, and as I would recommend the hon. gentleman and his colleagues to do, appoint their friends. I never objected to that principle, nor has any member of the Conservative party laid down any such doctrine. All that we object to is that men should be turned out without cause, merely to make room for the political hangers-on of the gentlemen now in office.

Hon. Mr. PROWSE—We have a change of government and we are promised a change of policy, and we are getting it.

Hon. Mr. MACDONALD (B.C.)—They are commencing it pretty strongly.

Hon. Mr. PROWSE—Perhaps we have no right to find fault with this change of policy. We can protest against it, and let the country know that we disapprove of it. We can show that it has not been a policy pursued by their predecessors, but what I protest against is this, that while the government, by their solemn declaration, protest against the spoils system, they are every day pursuing it. Let those gentlemen have courage enough to take the responsibility of their conduct and declare publicly to this Dominion that they are going to turn out every official who voted against them. That would be the straightforward course to take, and not to proclaim to the country that no man will be interfered with except under circumstances which would justify his dismissal, and at the same time following the opposite course. It is not manly or honourable to follow such a policy, and the country would expect them either to take the straightforward and manly course and say that they are going to dismiss the officials who voted against them, or stop this spoils system altogether.

Hon. Sir OLIVER MOWAT—I should like to say a word or two on this matter. The hon. gentleman who has just spoken calls upon us to say that we are going to dismiss every official who voted against us, and he thinks it is not at all a proper thing that we should not say so; but there is one difficulty in saying that—it would not be true. We cannot say honestly that we intend to dismiss every official who voted against us. We do not intend to dismiss anybody merely because he voted against us.

Hon. Mr. AIKINS—What about those trackmen and section men who have been dismissed without cause?

Hon. Sir OLIVER MOWAT—I cannot know the case of every trackman and labourer and official in the employ of the government. I do not know anything of the cases referred to—I never heard of them before. I cannot answer about particular cases, and, therefore, cannot answer my hon. friend's question. Hon. gentlemen in sympathy with the late government have referred to cases within their own knowledge in which the late government refused to dismiss officials whom these gentlemen wished to have dismissed. I assume therefore that such cases have occurred, but on the other hand, I know that cases of a different class have also occurred; and our notion always has been—I cannot conceal my belief that the notion was well founded—that cases where men were continued in office, notwithstanding they had been active partisans, were comparatively few, and that it was seldom that course was taken. Still, I assume it was taken in certain cases, because hon. gentlemen here have told us so, speaking from their own personal knowledge. It has been said that in referring to parallel cases in which the late government dismissed officials we are justifying one wicked thing by another wicked thing. That is not a correct statement; it misses the principle upon which we proceed in this matter. I cannot say that the spoils system is a wicked thing. I think such a system is not in the public interest, and I cannot therefore approve of it; but it is not wicked; and where it prevails, as in United States, honest and consistent Christian men

act upon it. The question is, what is the rule of this country in regard to such cases as have occurred? In the particular case before us, my hon. friend the Postmaster General had that to consider. There are some cases in regard to which I suppose there is no difference of opinion. I have not heard any difference of opinion expressed with regard to one matter to which I will refer—I have not seen it protested against in public journals, or heard objection expressed here or elsewhere, namely, the propriety and right of a government to make purchases of articles not contracted for, from friends rather than from opponents, and therefore to give custom of that sort to new men and not necessarily to men from whom those articles had been purchased under a previous government.

Hon. Sir MACKENZIE BOWELL—I hope my hon. friend will not open up that question.

Hon. Sir OLIVER MOWAT—I am merely stating the fact. I do not propose to discuss it. I say there are cases which all governments act upon everywhere. Then when this particular case occurred, when my hon. friend the Postmaster General was pressed on behalf of a good man, who was in distress, who had been well off at one time and whom misfortune had overtaken, and who was now old and could not go into business again, because he was worn out and when the Postmaster General was asked to give him this position of selling stamps at the post office, what had the Postmaster General to consider? Mr. Hewett was a very worthy and deserving man and he was a needy man. The gentleman who was there before, Mr. Dixon, is a most excellent man. I am not sure that I know him personally, but I know him well by repute, and one could hardly speak too highly of his benevolent and religious efforts and his devotion to charitable work. It is also stated that Mr. Dixon is a man of considerable means, and not at all dependent upon this office for his livelihood. I believe he has stated that if retained he intends to devote the whole as he has always hitherto devoted the greater part of the profits derived from this source to charitable purposes ; but the Postmaster General would not have put a poor man in the place of this rich man, if that was all that was to be said for it ; and, it was not all that was to be said. Is this particular employment an office of a permanent kind? an employment of a kind in regard to which according to the approved practice of parties in Canada, there should be no change with a change of government? On inquiry he found that it was not. One of my hon. friends opposite suggested the impropriety of obtaining information of the practice from his deputy. How else would he get it? When a new government comes in, there are many matters as to which a new minister depends altogether for information on his deputy. I have to do so myself. I understand that my deputy is a Conservative, but I believe him to be a perfectly honourable and faithful man. I have to depend upon him. If I want to know what should be done about any departmental matter of which I have no knowledge, he has been there for years and knows the practice and tells me. So, the Postmaster General applied to his deputy to know what was the practice in cases of the kind in question. That deputy had received his position from the Conservative government and is himself a Conservative. He has been in the department a number of years and is an honourable man, a man that I would trust in regard to any information which he chose to give me. I think my hon. friend has been very unfair towards the deputies whom his own government either appointed or kept in office for a great many years. He has intimated to us that they cannot be trusted, that they would give such reports to the minister as he asks them to give, whether correct and true or the contrary ; and he asserts that the information given to the Postmaster General in the present case was given to him because he wanted information in that sense. It is very unfair to speak in that way of the deputies in general. I do not believe that they deserve the imputation, so far as I know them. I do not know that any of them are unfaithful to their duties. I do not know any of them who would give incorrect information in order to please his principal. I believe the Deputy Postmaster General stated the matter truly, and when he informed the Postmaster General that these stamp vendors were not considered permanent officers, that changes from time to time were made, as the government of the day might choose to make them—I believe that in stating all this the deputy meant to be accurate, and was accu-

rate. I was able to cite an instance where the very same thing had occurred elsewhere. I did not cite that case in order to justify one wicked thing by another wicked thing, but to show the accuracy of the information received from the Deputy Postmaster General as to the status of stamp vendors.

Hon. Mr. McKINDSEY—Was it referred to the Deputy Postmaster General at all?

Hon. Sir OLIVER MOWAT—I have simply said the Deputy Postmaster General gave that information.

Hon. Mr. McKINDSEY—When and where?

Hon. Sir OLIVER MOWAT—Is it necessary that I should state the day and hour? From the Postmaster General's statement I say that was done. My hon. friend does not doubt that the information was given?

Hon. Mr. McKINDSEY—My mind might lead me to infer that the information came from the member from the city of Toronto, who knew all the facts and was capable of speaking about them.

Hon. Sir OLIVER MOWAT—My hon. friend has not caught what I was saying. I am not saying that the deputy gave information about this particular case. What I said was that the deputy reported that offices of that kind were not considered in the practice of the government during his term of office, to be positions of a permanent character?

Hon. Mr. McKINDSEY—Why?

Hon. Sir OLIVER MOWAT—I do not know exactly why they chose to adopt that practice, but I say that it was their practice, as we were informed.

Hon. Mr. McKINDSEY—I do not know that, and I want to get some information upon it.

Hon. Sir OLIVER MOWAT—I have given you the information.

Hon. Mr. McKINDSEY—You assume that?

Hon. Sir OLIVER MOWAT—I assume nothing.

Hon. Sir MACKENZIE BOWELL—I understand the hon. gentleman's whole statement to be that he applied to the Deputy Postmaster General to ascertain as to the permanency of these stamp vendors.

Hon. Sir OLIVER MOWAT—Of vendors of that class.

Hon. Sir MACKENZIE BOWELL—That the deputy informed the Postmaster General the practice had been to change them.

Hon. Sir OLIVER MOWAT—Not quite that.

Hon Sir MACKENZIE BOWELL—If that be the statement now, it is not what was said before.

Hon. Sir OLIVER MOWAT—I have the words here that I quoted. I will read them again.

Hon. Sir MACKENZIE BOWELL—The whole of the hon. gentleman's argument is the other way.

Hon. Sir OLIVER MOWAT—No, my argument is entirely in accord, from first to last, with what I assert. Here is what I said a moment and what I say now again, and what members of this House will accept as true upon the authority of the Postmaster General:

> Such licenses, the Deputy Postmaster General advises, have not been regarded as creating permanent places.

Hon. Sir MACKENZIE BOWELL—No one ever denied that.

Hon. Sir OLIVER MOWAT—Then I need not prolong my remarks upon it. The hon. gentleman is my witness of the correctness of what I said. Let me read again a word or two more:

> Such licenses, the Deputy Postmaster General advises, are not regarded as being permanent places, but merely temporary privileges terminable at any time at the will of the department.

And then I cited a case in which that course had been taken. If that was the established practice with regard to that class of officers, then the Postmaster General was merely acting in accordance with practice. If that was a wicked thing to do, he had no right to do it; but it was not a wicked thing. It was a mere question of policy and practice; and in acting on it my colleague

thought he would be justified in giving this office to a poor man and relieving the rich man from attending to it. When I say attending to it, perhaps I am not correct, because Mr. Dixon did not give personal attention to it at all. I suppose Mr. Hewett, being a poor man, will give personal attention to it, with the assistance of the two girls who have been doing all the work so far. My hon. friend opposite says that one of the things mentioned in the reply that I have read would apply to the Postmaster General's own position, that if he could take into consideration on a question of this kind whether the present occupant was rich and someone else poor, whether the present occupant did not want the salary and someone else did, the same kind of argument would apply to his own case; that the Postmaster General had the good fortune of being a very wealthy man, and the hon. gentleman says there are other members of the party to whom the salary would be a greater object than to the Postmaster General, and, that therefore, he should resign his place. But my hon. friend knows the reason that one man is chosen over another for cabinet office is, or ought to be, because he is supposed, or expected, to be more useful in that position than the other would be. The present Postmaster General was chosen because of his ability, his familiarity with public affairs, and because it was thought he would be useful to the country and to his friends. One of my hon. friends complained that when charged with this or the other bit of supposed wrong-doing, we always defended it by referring to similar conduct on the part of the government which preceded us. My hon. friend thinks that very unreasonable. Why do we refer occasionally to the practice of our predecessors and their friends when we have such charges made against us? One reason is because we present the argument *ad hominem*. We want to shame them; our reference to their own practice and therefore it is a perfectly legitimate thing. Sometimes the supposed wrong-doing depends on a variety of circumstances; it depends on what experience may have shown to be the best. It is certainly no conclusive consideration with us that the preceding government acted in a particular way. At the same time, if we are arguing a case wi h a friend of that government, it is perfectly legitimate to call attention to what that government did. I am just as much against the spoils system as anybody could be, but there is insuperable difficulty in saying that no partisans shall be removed no matter who he is or what were the circumstances. If he has shown himself to be a strong political partisan, it may be practically impossible to retain him. The difficulty is to draw the line between those cases in which a man need not be interfered with and those in which he may not unreasonably be dismissed, but it is a mere question of policy, though an important question of policy, and not a question of morality at all. There is no matter of wickedness involved in either view of it. I know not whether we are to have this subject up again, and on this occasion I thought it well to make the observations which the matter seemed to require.

Hon. Mr. McCALLUM—I am very glad to hear the expression of the hon. Minister of Justice that he is not in favour of the policy "to the victors belong the spoils." I am very pleased with that remark, and I am not going to say anything on that question further; but I want to understand one remark that the hon. member made. It does not bear on this question altogether. I understood him to say it became the privilege of the government to get their supplies from their friends and not from their opponents.

Hon. Sir OLIVER MOWAT—I ought to have qualified that. I said provided the purchase can be made as advantageously from a friend as from an opponent and where there is no contract.

Hon. Mr. McCALLUM—I have no right to dictate to the hon. gentleman what doctrine he should lay down, but I hope all such supplies will be let by tender to the lowest bidder who gives good security, and not given as custom to friends and not to opponents. I am glad to hear the hon. gentleman's qualification. Do I understand that the purchases shall be by tender?

Hon. Sir OLIVER MOWAT—There are certain things that cannot be bought by tender I find—quite a multitude of things, which do not come within contracts, and it is only in reference to those that I spoke when I made the remark to which the hon. gentleman refers.

Hon. Mr. McCALLUM—In the province of Ontario there has been a great complaint against my hon. friend for buying supplies from his friends and not by tender. I cannot say whether the statement is right or wrong, but that is one of the most serious offences charged against the Ontario government, that the hon. gentleman and his colleagues bought supplies from their friends and not by tender. I hope, for his own sake and for the sake of the party that he represents in this House, that all supplies which can possibly be bought by tender will be purchased in that way. He will get rid of a great deal of fault-finding that is indulged in against him now.

Hon. Mr. AIKINS—It was not my intention to say anything in reference to this subject, but I know the parties who have been referred to in this discussion. I know the family of Mr. Dixon, and I have known Mr. Hewett for some forty years. I think the leader of the government in this House has so coloured the matter, unintentionally, no doubt, as to leave the impression on the minds of the hon. gentlemen that the course pursued by the government in this matter was a commendable one. Mr. Dixon is a most estimable man; his time, his talents and what means he has are devoted to relieving the distress of the poor. I do not believe Mr. Dixon is a rich man at all, and I do not think he ever was. I do not know that he is connected with a hardware firm. I know Mr. Hewett was a member of a hardware firm at one time. He also is a most estimable and worthy man, and when a change was to be made, I am glad Mr. Hewett got it, but I object to the reasons given why the change was made. There is no earthly reason for it that I know of. I never heard of Mr. Dixon interfering in politics. I know he is a great friend of Mr. Blake's because they act together very frequently in charitable matters.

Hon. Mr. McKAY—He was not even a Christian politician.

Hon. Mr. AIKINS—No. The profits that he derived from the sale of stamps have been used for charitable purposes, and it surprises me that the government would displace a man of that kind and put another in his position on the ground of need or want. If that course is to be pursued, you will find a great many more to be displaced in the same way. If the government make many more changes of that kind, I do not think they will strengthen themselves much politically. I do not know a change they could make in Toronto that will damage them more than this one. Politically, I would say go on and make your changes; it will help the opposition.

SOUTH SHORE RAILWAY COMPANY'S BILL.

FIRST AND SECOND READINGS.

A message was received from the House of Commons with Bill (32) "An Act respecting the South Shore Railway Company."

The bill was read the first time.

Hon. Mr. BÉCHARD moved that the rules of the House be suspended so far as they relate to this bill and that it be read the second time. He said:—This railway has forty-five miles of line in operation and the company want to extend to Point Lévis to connect with the Intercolonial Railway.

The motion was agreed to, and the bill was read the second time.

FIRST AND SECOND READINGS.

Bill (31) "An Act respecting the St. Catharines and Niagara Central Railway Company,"—(Mr. McKindsey.)

THE MONTREAL, OTTAWA AND GEORGIAN BAY CANAL COMPANY'S BILL.

FIRST AND SECOND READINGS.

A message was received from the House of Commons with Bill (28) "An Act to revive and amend the Act incorporating the Montreal, Ottawa and Georgian Bay Canal Company."

The bill was read the first time.

Hon. Mr. CLEMOW moved that the rules be suspended so far as they relate to this bill.

Hon. Mr. POWER—I trust the House will not be considered as endorsing the principle or the scheme in giving this bill the second reading.

Hon. Mr. CLEMOW—Parliament has expressed its approval of this enterprise time and again. It is the most meritorious bill that has ever come before the consideration of the people of this country. We want the canal to connect the seaboard with the great North-west. No project of this kind is more important, and I am surprised to hear the hon. member from Halifax make this objection. I do not think there will be found a dissenting voice as to the necessity of this canal. I hope I will live long enough to see it constructed. It would have been built years ago had it not been for local influences that were against it. I hope the time has arrived when we will get this canal constructed for the trade of our country.

The motion was agreed to, and the bill was read the second time under a suspension of the rule.

THE RELATIONS BETWEEN PROVINCIAL PREMIERS AND THE DOMINION GOVERNMENT.

DEBATE CONCLUDED.

The Order of the Day having been called,

Resuming the adjourned debate on the motion of the Hon. Mr. Kirchhoffer:

That he will call the attention of the Senate to the impropriety of premiers of the various provinces receiving appointments, or employment with emoluments attached, or promises of such from the Government of Canada; and will inquire of the leader of the Senate, if it is the intention of the Government to continue that policy?—Hon. Sir Oliver Mowat.

Hon. Sir OLIVER MOWAT said:—I desire to say a few words on this matter before it is disposed of. When I read the question of which my honourable friend gave notice, I felt myself entirely unable to imagine upon what ground such matters as were referred to in the inquiry could be said to be improper. How my hon. friend was going to make out the impropriety of premiers of the various provinces receiving such appointments or employment, with emoluments attached, or promises of such, I entirely failed by any effort of imagination to understand. No suggestion to that effect had ever been made in any public journal, so far as I am aware, and I never heard it in any debate of any kind, and not even in private conversation. The view seems original to my hon. friend, and he certainly supported it with a great deal of ingenuity and skill. My hon. friend made some allusions to myself, but at the same time he spoke very kindly of me, and I thank him for the complimentary words he employed. He thinks, however, that the appointment of a premier, and I suppose of other provincial ministers —I suppose he does not mean that premiers stand in a different position from other ministers—to positions in a Dominion cabinet is not right, not proper, and not even moral. My hon. friend was determined to "go the whole hog" in the matter. It was an original idea of my hon. friend, and, therefore, he wanted to bring it out with the greatest possible distinctness and prominence—that the sort of thing referred to in the notice is not right or proper—that it is not a moral thing for a premier of a province to accept an office in a Dominion cabinet. There is one thing for which my hon. friend deserves credit, that in a House of this kind where party lines should disappear—my hon. friend was deprecating a line of action which his own friends had followed more than the Liberal party had. Thus, it is not only the Liberal party who have found it in their interest to obtain the services of a provincial premier in the Dominion cabinet; the same thing had been done previously by the Conservatives. I dare say many instances, if one had time, could be found of this having been done, but it will be in the memory of everybody, that Mr. Chapleau, a very well known Conservative and an able gentleman, was premier of the province of Quebec, and was induced to leave that office and take a seat in the cabinet. The same thing happened, as my hon. friend himself mentioned, in relation to Mr. Taillon the late premier of Quebec. Again, if it is a very wrong thing, a very improper thing and a very immoral thing for a premier to pass from one government to the other, it must be just as wrong for a Lieutenant Governor to do so; and we have Mr. Angers for instance, Lieutenant Governor of Quebec, leaving that position to take a seat in the cabinet. All this does not prove that it was a right thing or that it was a moral thing to do, but his charge of a wrong surely applies to both parties if to either, shows the fairness of my hon. friend and his perfect freedom from party feeling in this matter, and in matters generally. I am glad to

know that to be so, having regard to the future business that may come before this House. Now, why in the world should not the Dominion have the benefit of the services of the men supposed at the time to be the most fitting for the particular offices to which they are called? Is it not desirable in the public interest that there should be perfect freedom with regard to all classes or persons in selecting the members of a Dominion cabinet? Take the three premiers whose appointments excite the indignation of my hon. friend, and what were the reasons why they were elected? We all know the reasons. They were not secret reasons. They were proclaimed at the time and understood by everybody. These reasons were chiefly that these three premiers had been successful provincial premiers, had so conducted public affairs as to have had the confidence each of his own province for a great many years continuously. Mr. Fielding, for instance, had been premier of Nova Scotia continuously for twelve years. Mr. Blair was premier of his province for thirteen years; and I had the good fortune to be the premier of mine for nearly twenty-four years. One of the facts to which I referred in a speech in the early part of the session to show what valuable material this Senate possessed, was that many members had had experience in provincial affairs, some of them as members of provincial assemblies, and some of them as members of provincial governments. I think that this experience is very valuable. Those members of this House who have held such positions, know the value their former experience has been to them in discharging their duties here. The principles of government are the same, whether the government of a province or the government of the day; and we have to do with the same people, too. While the principles of legislation are the same, there is in the provinces as large a variety of questions to deal with as in the Dominion; in fact, there is a larger variety of questions to be dealt with than in the Dominion, and the questions are quite as important to the people, and require as much thinking and care in the legislation they involve. as any questions with which we have to deal. Dominion questions are of vast importance, and require a good deal of thinking and a great deal of care, but not so much as to be beyond the ability of the same class of persons who deal with provincial questions; and to say that provincial ministers are to be disqualified from dealing with such questions as cabinet ministers, is something that is not easily understood. I cannot comprehend how the hon. gentleman got such a notion into his mind, because my hon. friend is a man of great ability. In our Dominion elections Dominion questions are discussed by many persons who were never in a provincial legislature and never in parliament, and are discussed by them very ably, too. A large number of the speakers at Dominion elections, both Conservatives and Liberals, have had no experience in the legislature and no experience in parliament, yet many of them discuss those questions with great ability. The principal difference between what we have to do here in parliament and what has to be done in a provincial legislature, and between what has to be done by the Dominion Government and what has to be done by a provincial government, is this: in Dominion matters we have a larger territory to think about; not a province only, but the whole Dominion. The territory is much more extensive; we have a larger population to think of; and we have larger sums of money to deal with; but all this does not render the questions any more difficult, or the experience we have had in provincial assemblies and provincial governments any the less useful. Now I say, and I say what public opinion sanctions too, that it is of great advantage, or may be of great advantage to the Dominion to have the experience of provincial ministers in the government of the Dominion and in the houses of parliament too. In the same way, it is an advantage to the House of Commons and an advantage to provincial legislatures when wardens of counties and reeves and others, who have had experience in municipal affairs, are elected to these higher bodies. Hon. gentlemen around me have personal experience of that. A number of them have had a large experience in municipal matters and know and are conscious that that experience has been of value to them here, that they have been better senators on account of that experience. That it was not unreasonable that the three premiers should have been chosen is manifest in several ways. One thing is this: the fact of our having had the confidence of our people for such long periods shows that, whatever may be our weakness in some respects, we must

have some aptitude for government and some aptitude for legislation. My hon. friend in endeavouring to find some evils—some of them very imaginary I must say—that would or might result from permitting premiers of the provinces to become Dominion ministers, suggested as one the danger of a premier of a provincial ministry being misled and corrupted by the higher salary which he would receive as a Dominion minister. My hon. friend used the word corrupt. I know he used it in a very special sense, not in a (morally speaking) bad sense, but he used that word. How totally he is away from the facts. Take my own case as one of these premiers. I mention it because I know it best, and perhaps it is best known to my hon. friends around me. Having become a member of this House, and for the time the leader here, I suppose they have been interested in ascertaining all about me. My hon. friend says provincial premiers may be tempted to some wrongdoing by higher salaries. Did I get a higher salary by coming here? I sacrificed a good deal in coming here and I get no larger salary. I was first in the province of Ontario and I am second here, or not even second. In the province of Ontario I was leader in a House where there was always a large majority who believed in me; and here there is but a small portion of the House who believe in me. That is not an advantage; that is not a tempting thing. I consider I made a very great sacrifice in passing from a House, the majority of whom believed in me, to a House where the great majority do not believe in me. I hope before long this House will be changed in that respect. I think my hon. friend said that if the facts were brought before a court, or if I were a judge, I would pronounce it corruption for any one in my situation to act in the way he speaks of. No such ground as the hon. gentleman referred to when he made that remark, would any lawyer set up in court, and if he did his case would be laughed out of court. Another point I noted is what my hon. friend said in regard to Manitoba. But no premier from Manitoba that I know of has been made a cabinet minister, and I am not able to say that any premier or minister there will be made a cabinet minister. My hon. friend thinks that a man with the prospect of being a cabinet minister here would exert a greater amount of influence at an election than otherwise. There were strong influences used in the Dominion elections in Manitoba, influences which overcame the influence of the ministers to whom he refers, and overcame the strong desire of the people to get separate schools, overcame their opposition even to the Remedial Bill. And when one reads the account of the enormous promises that were made and of the enormous expenditure of money, one understands how the result was brought about. My hon. friend referred to the case of Mr. Conmee, who was a member of the provincial legislature and ran for the Dominion without resigning, it is said, his place in the provincial legislature. I did not quite catch what my hon. friend's point was when he spoke of that, and I asked my hon. friends round me if they saw it, but none of us saw what the point was. Does my hon. friend mean to illustrate by Mr. Conmee's case that no member of a provincial legislature should dare to run for the Dominion Parliament? It is said he did not send in his resignation. Well, if he did not, that was an illegal thing; but no man should be guilty of an illegal thing, even supposing he is not a member of a provincial legislature. My hon. friend is very impartial in another way. While he pronounces certain things as immoral, he is not content with their not accepting cabinet positions; he says it is immoral likewise for a provincial premier to accept any employment from the Dominion government. Two cases are mentioned where my hon. friend told us this had been done. One was where my present colleague (Mr. Davies) was counsel for the Dominion in an arbitration between twenty and thirty years ago, and the other is the employment of Mr. Peters, to take part as counsel for the Dominion in the Behring Sea arbitration; these gentlemen having been respectively premiers of Prince Edward Island at the times referred to. Now, take the case of Mr. Davies. My hon. friend was very unfortunate in referring to that case, because the award which was obtained through the services of Mr. Davies and those associated with him was the best award that this country ever had.

Hon. Mr. POWER—Hear, hear.

Hon. Sir OLIVER MOWAT—The best which had ever been obtained by Great Britain on this continent; so that my hon. friend has objected to the employment of a

provincial premier when the result of that employment, in connection with other things, was the most satisfactory award that we have ever had. My hon. friend illustrated his objection to a provincial premier being employed in a Dominion matter by reading at length extracts from a report made after the whole thing was over, after the award was made, when the question was the distribution of the money; the report was by Mr. Davies and related to the division of the money. Mr. Davies thought that his own province should receive a million dollars of the award. How my hon. friend makes out that to be a reason why Mr. Davies should not have been employed as a Dominion lawyer, I do not now understand. Mr. Davies had a perfect right to claim as large a sum as he liked for his own province. What he contended for as counsel for the Dominion, was how much the Dominion should get from the United States; it was a different thing afterwards as to how the money should be applied, and there was nothing objectionable in Mr. Davies expressing strongly the view he took in favour of his own province. If I had not formed a very high opinion of Mr. Davies before that report was read to me, the report alone would show me how able a man he was, how logically he reasoned, and how fair his views were, speaking from the standpoint of his province. Then my hon. friend referred to Mr. Peters, the present Premier of Prince Edward Island, who has been employed as one of our counsel in the Behring Sea Arbitration. My hon. friend said we should have employed men of higher standing and better known than Mr. Peters, and he referred to two very distinguished lawyers in Ontario, Mr. B. B. Osler and Mr. Christopher Robinson. Of course the Ontario people know Mr. Robinson and Mr. Osler better than they know Mr. Peters, but in disposing of a Dominion question we have to get information from all sources; and the information I got—and I have no doubt it is correct—was that Mr. Peters stood just as high in the maritime provinces as Mr. Osler and Mr. Robinson do in our own province of Ontario. He is as able a lawyer, and will have as much of the confidence of the people, and in every respect has the qualifications which those gentlemen would have had for the work for which he is employed. With regard to his being a premier, some of us at all events did not know that he was premier at the time his name was brought up, and certainly no reference was made to his premiership as a reason for his employment. He was employed because he was one of the best lawyers in the Dominion; and there was this advantage in his case, that some of the matters at issue in the Behring Sea Arbitration are matters with which a maritime lawyer is apt to be more familiar than a lawyer from Ontario.

With reference to my hon. friend's question, I have now to give my answer to it in the light of the observations which I have made; my answer is this:—I am not aware of any objectionable policy which has been acted upon by the present government with respect to the matters referred to in the question; nor am I aware of any reason why any policy heretofore acted upon by the government in respect to such matters should not be continued if there should be occasion.

I may add here, in conclusion, that my hon. friend argued his case ably and fairly, and if he did not make much of it, it was because there was not much to be made.

Hon. Mr. FERGUSON—I have often heard of the great skill of my hon. friend, in replying, and I have watched this speech which he has made just now very attentively. I find the great skill in reply which he evinces is in not answering the speech which he is purporting to be replying to at all; I find that he has erected a man of straw and then he has gone to work and demolished him. That is the course he has taken throughout most of his remarks. I listened very attentively to my hon. friend from Brandon in the very clear and able statement which he made to the House yesterday, and I did not discover any instance where the hon. gentleman claimed that it was immoral or wrong for a provincial premier to resign his position as a premier and take any other office in the gift of the people of Canada in the Dominion government or otherwise. He even went so far as to say that that was entirely right. He referred, I think, to the case of the late premier in the province of Quebec, who resigned a few months ago and took a seat in the Dominion cabinet, but he pointed out distinctly that the difference between that and the other cases which he condemned was that Mr. Taillon resigned and gave up the influence that he possessed as a premier of the province and accepted all the risks and responsibilities of the higher posi-

tion to which he was called. That was the position taken and my hon. friend commended it very highly, but he pointed out the contrast which was presented between that and the conduct of the premiers of provinces receiving promises and assurances that they were to be elevated to a higher position, and still remaining premiers of their provinces, wielding the enormous influence which they possess, and wielding that influence for the purpose of bringing about a political change which would enable them to carry out the bargain they had made. I think my hon. friend from Brandon made the point in a manner that was clear and satisfactory to every hon. gentleman in this House. This bargaining has been going on, hon. gentlemen, for a long time in Canada. In 1887 an Inter-provincial Conference met in the city of Quebec. I think five premiers of Canada met in that conference and passed certain resolutions, and amongst these resolutions was one setting forth a claim against the government of Canada for increased subsidies for all the provinces. They banded themselves together for the purpose of gaining this end, and, I have no doubt, some other ends which history has proved to have been in view by the local premiers and the party by whom they were supported; but one of the objects that was sought to be gained by that Inter-provincial Conference was that a large increased subsidy should be obtained for the provinces represented in it. When the election of 1891 came on, the late Mr. Mercier, who was Prime Minister of Quebec and promoter of the Inter-provincial Conference, addressed a meeting in the city of Montreal and there announced —I have the newspaper reports under my hand—that he had appealed to Sir John Macdonald and asked him if he would accept these resolutions adopted by the Quebec Conference as a basis for his governmental action, and he said that Sir John Macdonald treated the application that had been made to him with contempt, that he did not as much as answer. He said at the same time that he had made an appeal to the Hon. Mr. Laurier, the leader of the opposition, and that he had received Mr. Laurier's reply, and he read this telegram from Mr. Laurier at that meeting:

> I accept the resolutions passed at the Quebec Conference as the basis of my policy on these questions.

Now what I mean to say is, that from that time forward there has been concerted action on the part of the premiers of the Liberal provincial governments for the purpose of bringing about a change in the administration of the general government, and I do think—and I feel that this House will agree with me—that the Federal Government and the provincial governments should be kept free and distinct from each other, and that no such combination should ever have been entered upon. We find that Mr. Laurier yielded to that combination and gave his promise. As time went on, we find it became understood and known in the Dominion of Canada, that several of the provincial premiers, who took part in that conference, were going to be taken into the government of Canada. That was distinctly and positively stated ever since the year 1893. Another political convention met in the city of Ottawa, and it was there understood that my hon. friend who leads this House, at that time the premier of Ontario, the Hon. Mr. Blair, the premier of of the province of New Brunswick, and Mr. Fielding, who occupied the same position in Nova Scotia, were to enter the Dominion arena at an early date. In May last my hon. friend who now leads this House, addressed a letter to Mr. Laurier, which was made public and which was used extensively throughout the election, conveying in exact and clear terms the nature of the agreement which had been entered into by my hon. friend, that if the Liberal party should be successful in the election, he was to come into the federal cabinet.

Hon. Sir OLIVER MOWAT—Did I understand the hon. member to say that there was an understanding in 1891 that I, myself, was to go into the Dominion cabinet?

Hon. Mr. FERGUSON—No. From 1893 it has been been clearly stated in the press and country, and repeatedly stated, that my hon. friend was to come into the cabinet.

Hon. Sir OLIVER MOWAT—I never saw the statement. Certainly there was not one word of truth in any story of that sort, if there was a story.

Hon. Mr. FERGUSON—I am not alleging there was a positive bargain at that time, but I have seen it continually stated from 1893, and in fact the Liberal press

did not hesitate on a great many occasions to say that the hope of the Liberal party in Canada was in the hon. gentleman coming into federal politics, not simply as second, as he has said himself to-day, and as leading this hon. House, which is an honourable position and we are glad to see him here, but to become premier of this country instead of the gentleman who now leads the government. That has been going the rounds of the press. My hon. friend says there was no bargain as far as he was concerned in 1893. I unhesitatingly accept his statement in that respect, but before the elections came on this year nobody will gainsay, nobody will doubt it anyway—the hon. member addressed a letter which became public property and was published broadcast over the whole of Canada, which was used extensively, I believe, in every constituency of Canada, that my hon. friend was coming into the Dominion government if Mr. Laurier was successful, and it was stated as a reason that support should be given to that party on account of the great accession of strength he would be to his party especially in the settlement of the Manitoba school question. All that would have been perfectly legitimate and perfectly right if my hon. friend had, when that announcement was made by him, resigned his position as premier of Ontario and taken a stand with his friends and relinquished the influence which he held in the province of Ontario and which, we contend, he improperly held and wielded for the purpose of overthrowing the federal government of Canada. The same principle applies against Mr. Blair and Mr. Fielding in the other provinces. When my hon. friend from Brandon used the word immoral it was political immorality that he meant. He certainly did not mean it in any offensive sense, and in the strictures which I make I wish it to be distinctly understood that I use the word precisely in the same sense. Not only do we hold that it is improper—and that is the word in my hon. friend's motion—for the influence of the provincial government to be wielded for the purpose of overthrowing the federal government of Canada, and particularly when those associated with the personal advantage to be gained are the premiers of those provinces themselves, but I think it is also injurious in another respect, because it interferes with that thorough independence which should exist in the provinces from federal influence of any kind, whether it be the influence of the opposition party or of the government of the day. The provincial government should be entirely independent; and I say, with some little degree of pride, that during the twelve years I held a seat in the provincial administration neither my premier nor any of his colleagues while they remained in the government ever accepted or asked for any position in connection with the government of Canada, and I feel this is a principle that should be carried out and observed in our public affairs. My hon. friend disputes the accuracy of the statement which was made by my hon. friend from Brandon, to the effect that a personal advantage accrued to himself or to his colleagues or friends, the premiers of the other provinces, in their being transferred to the Dominion arena. He has made the statement that his own salary was quite as large in the Ontario legislature as it is at the present time. I am very well aware that my hon. friend could not have broken up his relations and his position in the city of Toronto and remove to Ottawa without very serious inconvenience to himself, and in point of salary, I find it was the same as he now receives $7,000 a year. In a pecuniary point of view, my hon. friend is not liable to the imputation that he acted from any motive of that kind. Indeed, even if the salaries were different, I should be very sorry to insinuate against my hon. friend that he would be actuated by improper and sordid motives of that kind. Nevertheless, in the case of the others, there is a wide difference between the salaries, but the position of influence and importance which those gentlemen occupy now is one to which they could very properly have an ambition and in the gratification of that ambition to fill these high and important offices to which they have been called, very great personal advantages, in the estimation of any public man, have accrued, and on that account it is not unfair to say that they had personal interest—laudable it may be—nevertheless, they had some interest in securing a change in the federal administration and in preparing the way to leave their positions in the provincial government and join the federal administration. Now, my hon. friend took up another case, and here again he showed his great skill and dexterity in replying to a speech and not answering it, or not even

attempting to answer it. As an illustration of the evil effects that are apt to arise from a provincial premier and an attorney general occupying a dual position, as a member of the provincial government and at the same time acting as counsel, or in any other capacity, in the service of the federal government, my hon. friend referred to the case of Mr. Davies, premier of the province of Prince Edward Island, who was one of the counsel before the Halifax Commission in 1877 to settle the amount of damages that should be paid to Canada for the difference between the use of our inshore fisheries by the United States fishermen and the advantage to accrue to Canadians by the free admission of fish and fish oil into United States markets. The premier of Prince Edward Island, the present Minister of Marine and Fisheries, was, as stated by my hon. friend from Brandon, one of the counsel before that commission, and my hon. friend, the Minister of Justice, thinks it is sufficient to say, in answer to the arguments of the hon. member from Brandon, that the commission in question resulted in the best award that Canada ever obtained in any negotiation with the United States. Now the fact as to whether this award was eminently satisfactory to Canada or not is a subject on which there is considerable difference of opinion. The amount of money was considerable, but we who come from the lower provinces know very well that during the twelve years during which the United States fishermen enjoyed the free use of our inshore fisheries, they ruined these fisheries by prosecuting them in so destructive a manner that they have been of very little value to our own people from that time forward. But that is not the point at issue. My hon. friend from Brandon made this important point, that while the hon. gentleman, Mr. Davies, was premier and attorney general of Prince Edward Island, the duties of attorney general and premier of the province were incompatible with the discharge of his duties as counsel for the Dominion, or *vice versa*, and he took Mr. Davies's own subsequent conduct as a proof of this. What was that conduct? In February, 1879, after the attorney general ceased to be counsel for Canada, after the amount of the award was paid over, the hon. gentleman, as the leader of the government of Prince Edward Island, passed a minute of council that was transmitted to Ottawa, claiming that the province of Prince Edward Island had never surrendered this right to fish in her territorial waters. He claimed that Prince Edward Island was in precisely the same position, with regard to the rights she possessed in the inshore fisheries, as the province of Newfoundland was. If that is true, the attorney general of Prince Edward Island never should have appeared before that commission as counsel for Canada, because in that case, Canada and Prince Edward Island had interests which were entirely dissimilar from one another.

Hon. Mr. SCOTT—I think he stated the damages were claimed at a time when Prince Edward Island was not in the confederation.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. FERGUSON—The award was made and the damages referred to a period after Prince Edward Island joined confederation.

Hon. Mr. POWER—The hon. gentleman is not aware of the fact that counsel for Newfoundland acted together with Mr. Davies. They were acting the same ever since the arbitration.

Hon. Mr. FERGUSON—I am aware of how they were acting. The case of Great Britain embraced both the case of Canada and the case of Newfoundland. There was part first and part second. Part first related entirely to the case of Canada, and part second related exclusively to the case of Newfoundland. They were treated separately, as two distinct parts of the case, before that commission. Now, I am not contending at this moment that Prince Edward Island, after she went into confederation, continued to hold a territorial right in her inshore fisheries and that a portion of the award under that treaty should be paid to Prince Edward Island. The ground that I take is that Mr. Davies, in 1879, in a solemn minute of council, declared that Prince Edward Island had never surrendered its rights, and if that was his opinion, honestly held at that time, then he was clearly in a wrong position in appearing as counsel for Canada instead of appearing and setting up a claim for his own province as its Attorney General.

Hon. Mr. POWER—Not at all.

Hon. Mr. FERGUSON—My hon. friend from Brandon gave that as an illustration of the evils that may arise from provincial premiers accepting emoluments of any kind from the government of Canada. I do not know that it is necessary to discuss the subject any further. I have treated the only points, as I was able to hear them, raised by my hon. friend the leader of the House. The only point he has made, as I have already stated. was in replying to my hon. friend from Brandon by not answering his objections. These objections were not to provincial premiers resigning positions, as such, and accepting positions in the federal government. He referred to that as a matter that perhaps might not be the best thing for the government, and pointed out that, perhaps, they would not constitute the strongest government that could be got, that men unfamiliar with following might not probably be the best colleagues for the premier. He pointed that out, but that is not the action that he characterized as immoral. The conduct he criticised was the premiers retaining their premierships with the influence attached to them and wielding that influence for the purpose of overthrowing the federal government in the country, and with the understanding all the time that they were themselves to be taken into the administration that was to take the place of the government they were trying to overthrow. I think I have shown this House very plainly that my hon. friend the leader of the House, did not answer that point at all. He did not come near it.

Hon. Sir OLIVER MOWAT—I thought that there was nothing in it—that it was not worth answering.

Hon. Mr. FERGUSON—I am in the judgment of the House whether this is a valid reason for not answering the hon. member from Brandon. He did not touch that gentleman's arguments with the top of his fingers, and when he answered the point my hon. friend raised as an illustration of the evils of provincial premiers accepting retainers as counsel, or anything of that kind, and pointed out Mr. Davies's action in 1877 before the Halifax Commission and his subsequent action in setting up a claim entirely inconsistent with his action as counsel for Canada, my hon. friend has never attempted to meet either one or the other.

Hon. Sir OLIVER MOWAT—Is it worth while prolonging the debate now?

Hon. Sir MACKENZIE BOWELL—Yes, because the hon. gentleman has misstated the position of the late government with reference to Mr. Angers, Mr. Taillon and the other ministers. The positions were not at all analogous and I wish to say a few words before the debate closes.

Hon. Sir OLIVER MOWAT—I think a few minutes would finish the debate and we might sit a little after six.

Hon. Sir MACKENZIE BOWELL—I will forego the remarks I intended to make if the hon. gentleman will go through the bills and put through the order paper now.

Hon. Mr. POWER—But there will be a discussion on both items on the Order paper.

Hon. Sir MACKENZIE BOWELL—Then you are delaying the bills, and the result will be that you will not get through.

Hon. Sir OLIVER MOWAT—Perhaps we had better come back to-night.

It being six o'clock, the Speaker left the Chair.

After Recess.

Hon. Sir MACKENZIE BOWELL resumed the debate. He said:—I intend to occupy the time of the Senate only for a few moments to call attention to one statement made by the leader of the House in justification of the selection of premiers to occupy positions in the government of the Dominion just at the juncture when an election was about to take place. He mentioned three instances of Provincial Ministers and Lieutenant Governors having been called to the cabinet of the late government in justification of the course which he and his colleagues have lately pursued. Before the House rose, I took the opportunity of saying that I did not think they were at all analogous to the cases cited by the hon. member from Brandon. In the first place, the leader of the House instances Mr. Chapleau, who was the premier of the province of Quebec and was called to a seat in the administration of Sir John Macdonald. That is quite true, but Mr. Chapleau had resigned his premiership in the province of Quebec, and Mr. Mousseau had been appoint-

ed to his place ; and it must be borne in mind that when that took place it was not on the eve of an election, but during the existence of a government that had been in power for years, and that it was some years after his accession to the government that an election took place. In the case of Mr. Angers, the Lieutenant Governor of Quebec, that gentleman's time had expired when he was called to the government. That was in December, 1892, and no election took place until 1896 ; consequently that case could not be considered analogous to the one cited by the hon. senator from Brandon. Then he mentioned Mr. Taillon ; it is true he was premier of the province of Quebec on the eve of an election. He was asked to join the administration of Sir Charles Tupper, but he resigned his position, and his successor was appointed. He had divested himself of all the influence pertaining to the position of premier of the province, and consequently was not in an analogous position to that of my hon. friend, the Minister of Justice. The difference is simply this : No objection could possibly be made—in that I agree with him—to drawing the best possible talent from any portion of the Dominion to carry on the administration of the affairs of the country ; but there is a difference between taking a premier from a province during the time intervening between the dissolution of a parliament and an election, and promising to the premier from a province at the moment an election is to take place. If the hon. gentleman to whom I am replying had taken the position that Mr. Taillon did, or had Mr. Blair, when asked to join the administration, left the position of premier of the province of New Brunswick and entered the fight manfully as a member of the party, then it would have been quite different from what it is. Had Mr. Fielding done the same thing, his position would have been entirely different. We all know that my hon. friend, the leader of the House, has a reputation (and I believe very justly) for being a constitutional authority. He knows there must be continuity of governments ; and, I suppose, acting upon that principle, he came to the conclusion that there must be a continuity of the occupancy of a seat in a cabinet, hence he maintained his position as premier of the province of Ontario, as did the other two gentlemen hold their positions in the local governments of the lower provinces, until he and they could leave them and drop into places equally important and with the same emolument. "The King is dead, long live the King," represents the case of my hon. friend opposite. It is occupancy of the treasury benches continuously without any intermission at all. The reason advanced by the hon. senator who moved this motion declaring such conduct improper and politically immoral was simply this : whether it was proper or right, or whether it was politically moral, for a premier to have had offered to him a seat in the government that was in prospective, depending upon the will of the people and occupying during that contest the position of premier of a province—using all the influence that pertains to such a position in order to defeat the government of the day, and the moment that the government was defeated to step down from his position in the provincial government and accept a portfolio in the federal government ? I do not desire to be personal in this matter. I am speaking on general principles. Does any one suppose for one moment that if the late opposition had been defeated at the polls, we should have had the honour of seeing the smiling countenance of my hon. friend in this House ? It would have been a great loss to the Senate, I admit, and I hope in the future it will prove to be a benefit, not only to the Senate, but to the country, to have him here. Does any one suppose for a moment that Mr. Blair would have vacated his seat as premier of the province of New Brunswick, to contest an election in order to obtain a seat in the House of Commons, or as he put it himself, borrow a seat for a time in the Senate until he could get such a constituency ? Does any one suppose that Mr. Fielding, who was enjoying the advantages of the political influence and the emoluments which flowed from the position which he held in Nova Scotia would have left the premiership of the province over which he presided for so many years, and sought a seat in the other House had not his party been successful in the late elections ? That is the question put by the hon. member from Brandon. That is what he termed political immorality, and I think if the hon. Minister of Justice were on this side of the House discussing the question he would use much stronger language in connection with this buying and selling of offices, than we have used. I have no desire to go

beyond this, though there are many other things which my hon. friend, the leader of the House, dexterously avoided. When asked why he did not answer certain questions, he used an expression which seldom falls from him, when it applies to anyone who is attacking him, that he did not do so because he thought they were not worth answering. I could see the difference at once. It may be that I am very sensitive on matters of this kind, but I certainly would not charge my hon. friend with stupidity, or with failing to understand everything put on the notice paper; I give him credit for being most dexterous, in discussing a question, in evading a point, and at the same time giving satisfaction to his friends. We have, perhaps, heard enough of this question for some time, but when my hon. friend again cites instances, such as those to which he referred, I hope he will reflect upon the logical conclusion to which it leads one after listening to him, and that would be, that he either tried to evade the question, or that he did not know the circumstances under which these gentlemen entered the cabinet. I desire simply to call the attention of the hon. gentleman again to the difference between taking a gentleman from the bench for a leader, or from a provincial cabinet to enter a government during the time that intervenes between the holding of one election and holding of a succeeding election, and taking a gentleman occupying the position of premier in a province and allowing him to maintain his office in the provincial government until he is sure of the other. If he cannot see the difference between these two positions, I think the people of this country will.

Hon. Mr. McCLELAN—I am unable to see very much force in the arguments presented on the other side in connection with the matter of which we have been speaking. The hon. leader of the opposition, speaking of Mr. Blair and of the province which I have the honour to represent, says that had he resigned before the elections, there could be no objection, or had he thrown up his office and someone else been appointed to his place, and then participated in the election, the objection would not obtain. That must be predicated upon the assumption that the premier of New Brunswick, as well as the other premiers—the premier of Nova Scotia, for instance—had been promised a seat in the government in case the Liberal party succeeded in the election. He has not established that to be a fact. Then, again, if his conclusion is right, it must be predicated on the idea that the New Brunswick government, up to the time of Mr. Blair's resignation, and during the general election, was very anxions to bring about a change of government. So far as my province is concerned, the government of Mr. Blair was a coalition government, and the influence of that government was divided; the Conservative interest was as much and as well looked after, perhaps, as the Liberal interest, and therefore, so far as that province is concerned, the argument of my hon. friend is unsound.

Hon. Sir MACKENZIE BOWELL—That is presuming that the premier had no more influence than the other members?

Hon. Mr. McCLELAN—He may have had more influence, but if a majority in the cabinet were on the other side, he might not have more influence than the Conservative side. I do not altogether see the force of the observation, anyway. It seems to me that had the local premiers resigned prior to the elections and thrown themselves into the contest with all their strength and influence, the majority of the present government would have been very much greater than it is. The advantage to the Liberal party would have been very much improved by that course. Therefore, I hardly see why my hon. friends in the opposition complain of the course which has been taken. With reference to the hon. gentleman from Brandon, who certainly made a very able speech, I consider that his arguments were not logical. Among other things he referred to the old Fisheries Treaty, in which Canada secured a very large sum, $5,500,000, under the award made in 1877, and either expressly or by implication, his remarks would leave the impression that the legal gentlemen engaged in that controversy had not, perhaps, performed altogether their duty. I think their success is the best evidence to the contrary. The amount that we received under the award fully justify the opinion that the argument was very successfully sustained on our part. In fact, associated with the Hon. Mr. Davies on that occasion was a gentleman of the very highest attain-

ments at the bar, the late Mr. Thompson, who passed away altogether too soon for the advantage of his country. My hon. friend from St. John knows something of him. Perhaps his great ability was not sounded so much all over this Dominion, but in New Brunswick he was recognized as a lawyer of brilliant legal attainments.

Hon. Mr. FERGUSON—It was known all over the provinces.

Hon. Mr. McCLELAN—I believe, and I have never heard it questioned, that our side of the case was very ably handled on that occasion. The complimentary expressions towards Messrs. Robinson and Osler sound very well, but in the lower provinces the inference that will be drawn from it is that we should hardly expect such legal talent in the provinces down by the sea as can be readily found in the older and better populated province of Ontario. It is only proper for me, coming from the maritime division, that I should give some expression to my feelings with regard to this matter. The gentleman selected from Prince Edward Island holds a very high position at the bar, and I have no doubt that there are other legal gentlemen in the provinces who stand as well as do the two lawyers referred to by the hon. gentleman from Brandon. It must be remembered, when comparisons are to be made, or even inferences to be drawn from comparisons, that gentlemen of that profession in the lower provinces have never yet been found to take a second position. It may be in the recollection of all of us that the late Chief Justice of the Supreme Court belonged to the maritime provinces. It certainly is known to all of us that the selection of a judge to arbitrate on the important Behring Sea difficulty is a judge from the province of New Brunswick. I might go over a long list.

Hon. Mr. DEVER—Sir John Thompson.

Hon. Mr. McCLELAN—Yes, the late lamented premier and many, many others, whom I could mention to justify the conclusion that in Nova Scotia, New Brunswick and Prince Edward Island there are gentlemen of the legal profession who are just as eligible for positions of this kind and just as able to maintain the claims of Canada as any other legal gentlemen that could be selected.

Hon. Mr. MACDONALD (P.E.I.)—I agree with the remarks made by the hon. gentleman from Hopewell respecting the gentleman selected from Prince Edward Island as counsel in the Behring Sea case. It is true he has not perhaps a reputation throughout the Dominion that the gentlemen who have been referred to have in the larger fields in which they live, but he is recognized in the maritime provinces as a gentleman of very considerable standing at the provincial bar and I have no doubt that he will, in undertaking the case which has been entrusted to him by the Dominion government, do full justice to the merits of that case and with credit to himself and the province from which he comes, and that when that case is settled he will stand probably as high in the estimation of the people as any gentleman in this Dominion as counsel in the case which he has taken up. With respect to the question more particularly before us, which was brought forward by the hon. gentleman from Brandon, I may say that I quite agree with the contention of the hon. mover of the resolution that it is an improper and injurious policy for any federal government to ally itself with the provincial governments of the different provinces by calling into the federal government the premiers of the local legislatures and making them members of the cabinet. Such a case is not only subversive of that independence which should be allowed the local legislatures but is destructive of the liberty of action which should be exercised by these bodies. It encourages a lavish and extravagant expenditure by the provincial governments, if their premiers who are in sympathy with the party returned to power in the general election are, in such an event, to be called to cabinet positions in the general government, where it is their interest to advocate an increased provincial subsidy to cover up the deficiency in the provincial revenues caused by extravagant expenditures in the provincial government. We know that it has been the case in the maritime provinces, to which I specially refer, that the debt of those provinces has been very materially increased during recent years, and increased, I must say, by the expectation that the provincial treasury would be recouped after the present party came into power under the terms of the resolution and platform agreed to by the Reform party at

Quebec in 1887. Hence it is more apparent still that the practice is one which those having the interests of the country at heart should deprecate. In provincial governments generally the spoils system prevails, and when you find that gentlemen who have advocated that principle in the provincial governments are taken into the federal government it is apparent the policy of the federal parliament is now to perpetuate that system, and we should certainly, with no uncertain sound, raise our voices against it. That system which was in force in the United States for many years past led to such abuse there that even in the United States they have now given it up, and are inaugurating a much better system of administration. What is most to be deprecated in the present alliances between the provincial and federal governments is this fact that after the general elections, two of the provincial premiers were called upon to take cabinet positions and that it was necessary, in order that they should receive those positions, that other gentlemen, who had been elected to represent certain constituencies in parliament, should resign their position in order to make room for the provincial premiers to come into the federal cabinet. Now, when we bear in mind that these governments which they represented had been increasing the debts of those provinces for many years, and that their expectations of an increased subsidy from the Dominion government in order to recoup the treasury of the provincial governments of which they were the premiers, is one of the planks of the platform of the present party, I think it is a system which every man, having the interests and the love of his country at heart should set his face against. It has led to a system of extravagance on the part of the local governments, making them, as it were, dependent on the federal government for any assistance that they could possibly derive from the general revenue of the country. It is a disadvantage and a serious drawback to the federal government that such a state of things should prevail. The Minister of Justice said that they had been successful premiers for 12 or 13 years in their respective provinces. If increasing the debt of the provinces and adding to the debt year by year, piling up a debt in their respective provinces, is a proof of success, they certainly have been successful. Both of these gentlemen have materially increased the debts of their provinces during the term they presided over the destinies of those provinces as premiers. Now they come into the general parliament and they expect that the revenues of their provinces will be increased by drawing additional subsidy from the general government. That may be the case. If it is so, what will be the natural result of it but that the taxes of the whole Dominion will be increased in order to provide this general subsidy. I must say, therefore, that I regret in some measure that I do not accord with the view of this matter taken by the leader of the government in this House, but, believing as I do that the contention of the hon. member from Brandon is the correct one, I desire to record my opinion to that effect.

Hon. Mr. PERLEY—In the absence of my hon. friend from Brandon, I desire to say that I think he has been misunderstood by the hon. gentleman who spoke first this evening on the matter. I do not think the hon. member from Brandon desired to reflect on the legal attainments of any member of the bar of the maritime provinces, but rather to reflect on the members of the government for taking the premier of Prince Edward Island as a reward for his services during the recent campaign. With regard to Mr. Davies, I must say that I think many who referred to the points that the hon. member from Brandon made in that direction misunderstood him. He did not find fault with Mr. Davies for making a claim, but he found fault with the time he made it. Mr. Davies never made the claim or tried to embarrass the Mackenzie government during their term, but when the succeeding government came in he presented his claim and tried to embarrass them. So far as the question before the House is concerned, I give very great credit to the hon. premier for the course he pursued. In that particular I disagree with the members of my party. If the hon. member found good men that he could take into his cabinet, I think it was very good judgment on his part to take them in. I am sure the House will agree with me that the selection he made in this House was a good one.

Hon. Mr. PROWSE—I think in an important question of this kind time will not be wasted in debating it to some extent. It is a very important matter and one affecting

the best interests of this Dominion for many years to come. The situation is a very serious one. The intimation is given to the premiers of several provinces previous to the general election that if they throw in their influence with the party with which they are in sympathy, cabinet positions are open to them. We are all human. It is an inducement to these premiers to use their personal influence and the influence of their government to secure the party to power that will do most for themselves personally. I think that is a demoralizing position for the country to be placed in. I do not want to say one word against the latest appointment made from the premiers of the provinces. I am very proud to find that the little island from which I come has such a reputation for able lawyers. It would ill become me to say one word in disparagement of the ability of the attorney general of that province. I am not a lawyer and I am not in a position to judge whether he is such an able, eminent lawyer as he has been represented to be or not. I will leave it to members of this House and the people of Canada to know if he has that Dominion reputation which is required in a gentleman to take one of the most important places before that commission. We do not want the case to be merely argued ably and strongly, but we want a man who has the confidence of the court, a man whom we can look upon as one with a reputation throughout this Dominion who will have some weight with the court. I care not how strongly or how logically a lawyer may put a case before a judge, if the judge has no confidence in that lawyer his arguments have very little weight as a rule with the court. In reference to the premier of Prince Edward Island, if I could only think that the Dominion government selected that gentleman on account of his eminent ability and his legal attainments, I would say they deserve credit, but I am persuaded that he was selected for no such motive as that. I know nothing about him as a lawyer, but as a politician he has descended to practices which are only becoming in a pothouse politician and has used means for the return of this present government to power which would be discreditable to any man let alone a premier of a province. I could not say less on this occasion, I cannot help thinking that his selection as counsel before this commission is not because of his eminent ability but because he did good service for the party that is now governing the country.

Hon. Mr. DEVER—When I rose to speak yesterday, I proposed to make some remarks which probably would not be satisfactory to some hon. gentlemen. After thinking the matter over, and listening to the speech delivered by the leader of the House to-night, I feel there is nothing left for me to say. He made every point in a more logical and satisfactory manner than it would be possible for me to put it. In fact, I think it would be a waste of powder to say anything more on the subject. His answer was so effective and convincing that hon. gentlemen themselves must be satisfied that they are completely nonplussed. It is quite amusing to me to hear as a complaint that Mr. Laurier has brought the most prominent and competent people in the country into his cabinet. Does this not show clearly that he was a most generous man, that he was a man who did not want to monopolize power, in contrast to a former premier, whose cabinet had only third and fifth-class men, men who, when the leader died, were not able to run the government a year without cabalting in a way that was a scandal to the country?

Hon. Mr. LANDRY—They did not take you in?

Hon. Mr. DEVER—If they had they might not have been in the plight they are to-day. I feel aggrieved to think that any hon. gentleman in this House, and a member of the legal profession, should undertake to belittle certain premiers that have been taken into the cabinet, gentlemen whom he could not have known, perhaps never met, yet he had the temerity to fire at their backs from behind a hedge. I do not think it is creditable to a member of this House; he should have shown more generosity. Hon. gentlemen should first have ascertained what the reputation of these gentlemen was in their respective provinces, men who have led majorities in those provinces for twelve, fifteen and some for over twenty years. What better guarantee would this House require or should the country require? They could not have a better guarantee. It was the cause of a revolution when it was known that several provincial premiers were going to be taken

into the cabinet. I know, one of them, was prepared to come in here long ago. The very knowledge that he was coming in had the effect of making the Conservative party break up.

Hon. Mr. LANDRY—Bribery.

Hon. Mr. DEVER—No, not bribery. Small minds may think of bribery, but the men I am speaking of are not the men to take bribes. Put the boot on the other foot when you speak of bribes. What have you been doing for the last years? Projecting railroads all over the country and bogus tunnels. You talk of bribery and corruption. The thing is perfectly ridiculous, and it is only mentioned amongst yourselves here, some few of you who feel aggrieved that your power is gone, that your conduct was such that no people could approve of it any longer. I feel that the large majority of the people of my province have perfect confidence in this government, inasmuch, at least, as they have one man in the cabinet they have confidence in who will see that everything on the part of that province will get justice and fair play, which we feel we did not get in the past, because we had not the representatives we required and consequently we believe our true interests were neglected. Take the province that my hon. friend on my left is from—and which is represented in the Commons by the Hon. Mr. Davies. I suppose there is no harm in mentioning his name. Surely nobody could find fault with Mr. Davies having the position of Minister of Marine when we come to recollect who held that office before in the Conservative cabinet, a man who was not a lawyer at all, and was boxed about from one office to another until at last he fell in there. Here is a complaint made against one of the first lawyers in the maritime provinces taking office where knowledge, of international law is required as much as in any other department of the government.

Hon. Mr. LANDRY—Was he from New Brunswick—the man who was boxed out?

Hon. Mr. DEVER—It is well known who he was.

Hon. Mr. LANDRY—A countryman of yours was not he?

Hon. Mr. DEVER—No, a countryman of yours. However I do not wish to be interrupted. The government at present constituted, in my opinion, is very satisfactory to the country. Mr. Laurier has shown great wisdom and statesmanship in bringing into his cabinet the best men. I only regret that the party I had the honour of helping as best I could in the past did not show similar wisdom, instead of drifting on until the country could no longer have confidence in them. Instead of going to the country with a clean pack of cards, they went with a pack that political poker had been played with too long, by a certain statesman. At all events, it is the parliament just from the people should regulate these matters. It only behooves us, appointed by former governments, to be very careful that we do not show ourselves partisans in this chamber.

Hon. Mr. McDONALD (B.C.)—We are part of the people.

Hon. Mr. DEVER—We have no right to be partisans, in my opinion, especially in opposition to the mandate given the government at the polls some time ago. I feel that to be my duty for one, and I trust other hon. gentlemen will see that it is not exactly the position we should maintain to set ourselves in opposition—perhaps I might almost say factious opposition—to men lately returned from the people and whom the people expect to do as they promised before the election took place.

HULL ELECTRIC RY. CO.'S BILL.

SECOND READING.

Hon. Sir MACKENZIE BOWELL moved the second reading of Bill (20) "An Act respecting the Hull Electric Railway Company."

Hon. Mr. CLEMOW—I would ask my hon. friend to put this off till to-morrow, when we shall have plenty of time to discuss it. We cannot gain anything by going on to-night. The Railway Committee meets on Friday. A great many members are anxious to hear the discussion. It is an important matter, and I should like to discuss it to-morrow.

Hon. Sir MACKENZIE BOWELL—I might call the attention of the hon. gentlemen to the fact that the Committee on Railways, Telegraphs and Harbours is called for to-morrow at 10.30 a.m.

Hon. Mr. CLEMOW—This cannot go to the committee to-morrow. The rule has not been suspended.

Hon. Sir MACKENZIE BOWELL—I simply move the second reading.

Hon. Mr. CLEMOW—It will take some little time, and it may as well be postponed. If the hon. gentleman will consent, I will guarantee it will come before the committee on Friday.

Hon. Sir MACKENZIE BOWELL—We had better go on.

Hon. Mr. CLEMOW—If I am forced to go on, I should like to have heard the hon. gentleman who is supporting this bill before speaking against it. I should like to hear what is to be said in favour of the measure, if there is anything.

Hon. Mr. VILLENEUVE—We will be very happy to hear what the hon. gentleman has to say against it. It has been decided that we shall go on with the second reading of the bill to-night.

Hon. Mr. DICKEY—Allow me to make a suggestion. I may be pardoned for doing so, as this bill will necessarily have to come before the committee of which I am a member. It appears that all the purposes of my hon. friend could be carried out if he would allow the second reading to go at once, and let the evidence come out on the reference to the committee on Friday, and then, after the facts are all known—and the committee is accessible to every member of this House—he will be in a better position to make his objections to the bill, and it will be quite in order for him to do so at that time. I think that would be more to the convenience of members present, and will answer the purposes my hon. friend has in view quite as well.

Hon. Mr. CLEMOW—This matter is of too great importance to allow it to be disposed of in that way. I will proceed to state my objection to the measure if the House desire it. The principle at stake is, in my opinion, of such a character as requires careful consideration from the members of this House. I intend to go over the whole question from the organization of this company to the present time. I want to show in the first instance that the Ottawa Railway Company, some years ago, undertook to construct a line of railway in this city, which hon. gentlemen are perfectly conversant with. They had serious difficulties to encounter. They were obliged in the first instance to obtain a perpetual charter of a horse railway company then in existence, having corporate powers granted by the old province of Canada, which could not be abrogated in any way, except by purchase from them by this company. At that time there was a strong feeling that it was doubtful whether the project would be successful or not. It was contended by a great many—and I am one of them—that it would be utterly impossible to keep this road running perpetually during the winter time; therefore parties undertook a great responsibility. They invested a large amount of money, and if the undertaking had not been a success, it would have ruined a great many of the investors in that great enterprise. Fortunately, however, the enterprise has proved successful, and now we have, I believe, a system of electric railway unequalled in this Dominion. After this agreement was made with the horse company, it was necessary to enter into an arrangement with the city. The city, in consideration of obtaining this perpetual charter, and abolishing that old style of horse railway—which at one time of course was considered very desirable to the city, but it was not equal to the present day, when electricity took its place. Therefore, the city entered into an agreement with this company to organize this railway system, which has involved an expenditure of upwards of a million dollars. They did that under conditions which I will read to you by and by, protecting every right and interest that possibly could be thought of for the purpose of securing a service that would be beneficial to the inhabitants generally. Therefore, for that reason, the company and the people originating this company considered, and considered very rightly and very justly, that they had a vested right in this undertaking, and they did not conceive for one moment that any legislature or any class of men would undertake to deprive them of advantages which accrued to them under this solemn arrangement with the city, endorsed by the parliament of Canada, and under which they have been acting from that time to the present. This charter was obtained in the year 1892, and I suppose it would be just as well for me to read now the

conditions upon which this arrangement was made with the city, in order that hon. gentlemen may understand the whole case, I have nothing to hide, I have nothing to be afraid of, I want the case clearly and plainly set forth. I want every hon. gentleman to judge whether this company are entitled to maintain the rights and privileges which were guaranteed to them under a solemn Act of Parliament. It is a matter of very great and vital importance. If it is once understood that people are to be deprived of their vested rights obtained by them in an honourable, fair and upright way—if they can be deprived of them by any subsequent Act of Parliament, then I say it is a very serious thing for people investing their money in enterprises of any kind. But I do not believe it is possible. I do not believe any legislature will do that, and I certainly have confidence in the gentlemen composing this Senate, being business men, being men who understand thoroughly the great evils that will attend such a course in the carrying out of enterprises of this kind in the future. Therefore I think we should resist any attempt to interfere with what I consider the rights of these people who invested their money in good faith, having complied with every possible condition that was imposed upon them. And when I show you the conditions which the city council exacted, which have been sustained and agreed upon by this parliament of Canada, you will be satisfied that as far as this company is concerned they are entitled to maintain intact and inviolate the privileges accruing to them under the Act of Parliament. I may as well proceed to give you an outline of what these conditions were in order that hon. gentlemen may understand the position in which this company is situated. This Act was passed in 1892:

> And the said corporation, after giving at least six months' notice thereof, prior to the expiration of the said period of thirty years assume the ownership of so much of the said railway of the companies as is situate in the province of Ontario, and all real and personal property in said province used in connection with the working thereof, on payment of the value thereof to be determined by arbitration.

Then clause 5 reads:

> The said companies under existing legislation and agreements and by this agreement and on the terms and conditions and subject to all the restrictions, provisions and agreements herein contained, and subject to the provisions of the said recited Acts, not inconsistent herewith, are authorized to construct, maintain and operate lines of street railway, the propelling power of which shall be electricity, or, with the consent of the corporation any other power, except steam as herein provided upon and along the streets of the city of Ottawa herein mentioned within the times hereinafter limited for the construction of the said lines of railway and the powers, privileges and franchise hereby conferred or consented to shall apply respectively to the said companies respectively, until amalgamation, and after such amalgamation shall take effect, shall pass and belong to the said amalgamated company.
>
> The lines of the Ottawa City Passenger Railway Company already constructed and in operation in the city of Ottawa are the following:
>
> Commencing on Princess avenue, in Rideau Ward formerly the village of New Edinburgh, at the northern limit of the city of Ottawa, then along said Princess avenue to Ottawa street in the said ward, now called Sussex street, then southerly along the said street across Green Island to Metcalf square; across Metcalf square and along Sussex street to Rideau street; along Rideau street over the Sappers' bridge to Sparks street, along Sparks street to Bank street; along Bank street to Wellington street, along Wellington street to Pooley's bridge to Queen street; along Queen street to Bridge street, and along Bridge street to the northern limit of the city of Ottawa at the bridge over the River Ottawa, called the Union bridge.
>
> The lines of the Ottawa Electric Street Railway Company already constructed and in operation are the following:
>
> Commencing at the east end of Rideau street, in the city of Ottawa, at its intersection with Wurtemburg street, and along Rideau street aforesaid to Dufferin bridge; thence across Dufferin bridge and along Wellington street to its intersection with Metcalfe street; thence along Metcalfe street to its intersection with Albert street; and thence along Albert street and Wellington street and Broad street to the intersection of Broad and Queen streets, and on Bank street from its intersection with Albert street to the northerly end of the swing bridge over the canal; and from the intersection of Elgin and Wellington streets along Elgin street to Catherine street, and thence along Catherine street to Bank street; from the intersection of Bank street with Anne street, along Ann and Emily streets to Bell street, and from Rideau street along Dalhousie street to St. Patrick street, and along St. Patrick street to St. Patrick street Bridge, and across St. Patrick street bridge to Creighton street; thence along Creighton street to Charles street, in Rideau ward.

The horse railway company had rights and privileges over certain streets, which had to be secured before the corporation could enter into any agreement with this new company, and therefore they purchased the right from the horse railway company, which enabled the corporation to secure those streets for the purpose of working the electric railway. Without that, it would have been perfectly impossible for the cor-

poration to secure electricity at all in that part of the city, because the company had a perpetual charter over these streets, and they could not obtain it except by purchase, which was done. And having done all that, the company entered into an agreement with the corporation for the purpose of doing that.

Hon. Mr. GOWAN—What was the consideration paid?

Hon. Mr. CLEMOW—$360,000, I think, to the horse company. Then there is this further clause:

The corporation shall not, before the 13th day of August, A.D. 1898, grant authority to any company, private individual or firm, to construct and operate a street railway in any other part of Ottawa, and in the event of any company, private individual or firm thereafter proposing to construct street railways on any of the streets of the city of Ottawa, including the streets mentioned in this agreement, and not occupied by the companies, and the corporation determining that there should be street railway service on such streets, the matter and substance of the proposal shall be notified to the companies, and the option of constructing such proposed railways on the conditions contained in this agreement shall be offered to the companies, but if such option shall not be accepted by the company within thirty days thereafter, or if the same, having been accepted, the companies shall not proceed with the necessary works and complete the same within the time limited by the corporation, the corporation may grant the authority to any company (organized after the above date), private individual or firm, and the corporation and its grantees shall be entitled to cross the lines of the said companies with such railways as are authorized by this clause.

Hon. Mr. VILLENEUVE—Will the hon. gentleman permit me to ask him if the Hull Electric Railway Company wish to infringe on the rights of the Ottawa Street Railway Company?

Hon. Mr. CLEMOW—Yes.

Hon. Mr. VILLENEUVE—Not by the bill.

Hon. Mr. CLEMOW—Yes.

Hon. Mr. VILLENEUVE—I do not see it by the bill.

Hon. Mr. CLEMOW—I will show it by and by. The clause continues:

Except as provided in the immediately preceding clause, the corporation shall preclude any company, private individual or firm from constructing lines of street railway or using the lines of the said companies or any street occupied by the said companies.

Therefore it shows that the corporation have entered into a solemn agreement with this company to perform certain services, and the company are compelled to perform their part in the manner pointed out by this Act. If these conditions had not been agreed to by the corporation, and if this Act of parliament had not been passed, no capitalist in this country would have invested one solitary dollar in the enterprise, because it would be of a very doubtful character. I myself had serious doubts whether the undertaking would be successful, so much so that I would not invest one single dollar in the enterprise, and I know a good many other gentlemen who felt the same way. They thought it so unlikely that they could combat, as they have combated successfully, with snow in winter, that they were afraid, and would not embark one single dollar in the enterprise. Therefore it was a hazardous undertaking for the gentlemen, and I think they deserve the credit of the city, and the credit of the whole country, for having demonstrated, beyond all question, that roads can be kept clear of ice and snow during the winter season. It was the first attempt made in this country, and it has been successful, and therefore I think they are entitled to every consideration on that account, particularly when this arrangement is so binding that they are obliged, not merely to keep the streets that they have at the present time supplied with electricity and electric power, but to construct lines of railway on any other streets of the city that the city may demand, and if they do not do that within 30 days after notice, the corporation can give the charter to other parties. But they have complied with all the requirements of the city, and have done more, and they are prepared to fulfil to the fullest extent and degree every condition that is contained in this agreement. If the corporation say to these gentlemen to-morrow "We want a line of railway upon a certain street," they are prepared to do it and will do it. And therefore they have not made default. The city are perfectly satisfied; there is no complaint. The city are not asking for this legislation, and therefore I do not see for what reason this company, organized on the other side of the river, should come in and try to interfere with rights and privileges granted to these people under the circumstances I have mentioned. This company came to the parliament of Canada for the

purpose of obtaining their consent. They did obtain that consent. They had an Act of parliament passed embodying all these resolutions, and a further resolution was passed under the Act of parliament giving them rights to cross the Suspension bridge upon certain terms and conditions. That is embodied in the Act of parliament. And what are those terms and conditions? That they were entitled to cross the Ottawa River, along the Suspension bridge, which they have been doing for the last two or three years. But beyond that, in the part which is so narrow that it would not be safe to allow tracks to be laid upon that thirty foot span of roadway, they said "You must build for yourselves a line of road outside of this main roadway for your tracks," which they are doing. This required the consent of the government of this country. They obtained the permission of the late government, which has been endorsed by the present government, and that bridge which is required is now in course of construction, as I will show you presently. Therefore, they have complied with every requirement imposed upon them by the city and the government of this country. They applied to the late government to carry out the promises made to them in the original Act. I believe it was in the month of May they applied. In the month of July, the Order in Council was passed, and it was ratified recently by the present government. So they have the sanction and co-operation of both governments in carrying out this arrangement, as far as it can be given. But, unfortunately, the northern limit of the city of Ottawa does not extend to the exact line where this other company wishes to connect. There is a little gap of about 100 feet that requires to be railed for the purpose of giving the Hull Railway Company all the advantages that are required for the purpose of transferring their passengers. This company cannot go beyond the limits of Ontario at the present time; but they are willing even to construct the gap of 100 feet for the purpose of giving the Hull Electric Railway all the accommodation they require for the transport of their passengers. That is the true position of affairs at the present time, and I do not see why the Hull company should not be satisfied with it. What they say is that they require this accommodation for the passengers of the Hull Electric Railway. Now, what is the position of the Hull Electric Railway Company? In 1895, three years after this road obtained its rights and constructed the road, they applied to the province of Quebec and obtained a provincial charter, for the purpose of building a road from Hull to Aylmer, and to other points, and, I believe, in fact, throughout the whole of the county of Pontiac, some ninety miles; they have now an indisputable right to occupy the streets of Hull, and the right of way to Aylmer and these other different points.

Hon. Mr. McMILLAN—The sole right?

Hon. Mr. CLEMOW—The exclusive right; no one can interfere with it.

Hon. Mr. McMILLAN—For how long?

Hon. Mr. CLEMOW—For 33 years. No one can interfere with it. I will read that by and by. This company do not ask to infringe upon their rights and go into the city of Hull. They do not ask to interfere with their rights and privileges in any way. But these gentlemen in Hull say "We want to come in here, we want the right to go over your roads, we want the right of coming into the city of Ottawa, and we want everything that we can ask from anybody." They have acquired that perpetual right in the province of Quebec. I do not find fault with that; if the province of Quebec chooses to give them the exclusive right and privilege, I do not find fault with it. But they certainly have acted in a very extraordinary manner by not keeping to their own preserve. The Hull company have the exclusive right between Hull and Aylmer.

Hon. Mr. McMILLAN—And they want to come into Ottawa?

Hon. Mr. CLEMOW—Yes. As far as passengers are concerned, they will get all the accommodation they require; and as far as freight is concerned, they must transfer to the Canadian Pacific Railway all their freight. They acquired all those rights from the province of Quebec. And what did they do then? They made an arrangement with the Canadian Pacific Railway to acquire their road between Hull and Aylmer, which had been employed before by the Canadian Pacific Railway, and was a great assistance to the Pontiac Railway. Without any ceremony at all, they put that

Pontiac and Pacific Railway out of kilter. They had no way of transporting their cars, and the road was taken out of their hands, although previous to that an arrangement had been made with the Canadian Pacific Railway and Mr. Beemer, by which he was to obtain the purchase of that line of railway between Hull and Ottawa, which the Pontiac and Pacific Railway Company had employed for a great many years. They took that in their heads; they displaced that railway company; and they compelled them to make an arrangement with them for the conveyance of some of their freight and passengers, I presume; and they compelled Mr. Beemer to make an application to this Parliament for the purpose of obtaining authority to build a road for himself, so as to have the opportunity of adding to the Hull line of railway the Pontiac and Pacific Railway. All that was done, and it was perfectly understood it should be done. I will now read the Order in Council passed with reference to the occupation of Suspension bridge:

EXTRACT *from a Report of the Committee of the Honourable the Privy Council, approved by His Excellency on the 13th May, 1896.*

On a report dated 30th April, 1896, from the Minister of Public Works, stating that the Ottawa Electric Railway Company have asked the Department of Public Works for permission to extend their track from the bridge over the Ottawa River at the Chaudière into the city of Hull, either by using the present roadway or by using the right of way over the reserves and waterways adjoining said roadway.

That the chief engineer, to whom the matter was referred, states it is out of the question to grant the company permission to use the present roadway owing to its narrowness, but that there cannot be any objection to permitting them to lay their tracks in the position shown by a blue dotted line on the plan hereto attached, on the condition that they will agree to lay at points "B" and "B," where their tracks will cross the roadway, a permanent pavement between the tracks and at least two feet outside of the outer rails, in such a way that the surface of their rails shall not project more than half an inch above the pavement, the pavement itself being always kept at the level of the roadway. The chief engineer further states that the company also ask for permission to lay a track on the ten-foot reserve on the north side of the slide channel, and as this reserve is not used in connection with the working of the slide there cannot be any objection to granting the company the permission they ask for.

The minister further states that the Department of Public Works is of opinion that it would be advisable that the ten-foot reserve referred to be only leased to the said company for a yearly nominal sum as it is not known for a certainty whether in the near or distant future the said reserve may be required and that, in return for the privilege to be granted to the company to extend their line as aforesaid, the company should agree that the erection which will carry their railway on the side of the causeway will be so made and constructed that it can be utilized in connection with any further widening of the said causeway which the Department of Public Works may have to do in the future.

The minister further states that an application has also been made by the Hull Electric Company for a right-of-way upon the government road in that city, from the Suspension bridge, northward to Main street, and, failing that, they ask for the privilege of constructing a bridge on the east side of the road, the company stating at the time that they hold from the city of Hull an exclusive franchise to run an electric road over all its streets.

The minister further states that the Hull Electric Company was incorporated by an Act passed by the legislature of the province of Quebec, under chap. 59 of 58 Vic., 1895, the company being granted the power to construct and operate tramways in any point or points in the city of Hull, town of Aylmer and village of Gatineau Point, in and between such city, town or village.

The minister further states that the Ottawa Electric Railway Company, as the Ottawa City Passenger Railway Company, obtained a statute from the Parliament of Canada in the year 1892 being chapter 53 of 55-56 Victoria. In the first clause of the Act it is enacted that the Ottawa City Passenger Railway Company may extend, construct, maintain and complete an iron railway from and communicating with the end of its present line of rail at or near the Union bridge, thence subject to the provision hereinafter set forth, across the said Union bridge and over, along and upon such streets in the city of Hull as may be authorized. Clause second provides that the company shall not take possession of any of the approaches to the Union bridge without the consent of the Governor in Council, but with such consent, the company may, upon such terms as the Governor in Council shall prescribe, use and occupy so much of the Union bridge, and of the approaches thereto as may be necessary for the railway of the company.

The minister further states that the company have received the permission to use the Union bridge and have laid tracks on it; and that the Ottawa City Passenger Railway Company, having obtained a federal charter, wherein is explicitly granted the privilege they now ask under certain conditions, there can be no doubt that they are entitled to be granted the privilege in question in preference to the Hull Electric Company under whatever conditions the government may prescribe.

The minister, in view of the foregoing facts, recommends that the Ottawa Electric Railway Company be granted permission to extend their track from the bridge over the Ottawa River at the Chaudière, into the city of Hull, on the following conditions:—

1st. That the said track be laid in the position shown by blue dotted lines on the plan hereto attached.

2nd. That, at the points marked "B" and "B" on the said plan, where their tracks will cross the

roadway, a permanent pavement between their tracks, and at least two feet outside of the outer rails, to be laid in such a way that the surface of the rail shall not project more than one-half inch above the pavement, said pavement being always kept at the level of the roadway.

3rd. That the ten foot reserve, which is shown on the plan on the north side of the slide channel, be only leased to the said company for a yearly nominal rent.

4th. That the company shall construct their works alongside the causeway in such a manner, that they may be utilized by the Department of Public Works for the purpose of widening the said causeway whenever necessary, and that to the satisfaction of the chief engineer of the Department of Public Works, and without any compensation to the company for using the same.

The minister further recommends that, before any work is proceeded with by the company, they shall submit, for the approval of the Minister of Public Works, plans showing the exact location of the tracks with relation to the roadway as well as details of construction.

The committee submit the foregoing for Your Excellency's approval.

(Signed) JOHN J. McGEE,
Clerk of the Privy Council.

This shows, hon. gentlemen, that both governments have granted this authority and the company have actually entered into an arrangement with the Bridge Company of Montreal to build this bridge, and I have a telegram to-day which reads :

Work on Hull trestles is being pushed with all possible speed ; confidently expect to complete contract by November 15th.

So that by November 15th they will have complied with all the requirements ; they will have a road constructed as far as they can proceed without violating the terms of the Hull Electric Railway Company's charter. They go within one hundred feet of the Hull company's line in the city of Hull, and all that is required for the purpose of making the connection between the two roads is the construction of this 100 feet of track.

Hon. Mr. BOULTON—Are the gauges the same ?

Hon. Mr. CLEMOW—Yes, and I am told that the Ottawa company are willing to construct this 100 feet for the purpose of giving the people continuous connection between Hull and Ottawa, but they do not think that the Hull Electric Railway Company should be granted the privilege of crossing over the bridge and coming into the city of Ottawa and traversing their lines of railway in the city of Ottawa. They consider that they have an exclusive right and that it should not be interfered with. They regard it as a vested right with which this Hull company, or any other company, have no right to interfere. They have paid a valuable consideration for it and have laid out a lot of money, and it is a line which meets with universal satisfaction by our citizens, and by every man coming to the city of Ottawa. It is certainly a credit to the city to have such a line, and I do not think it would be fair or right or reasonable that the company should be deprived of the privileges granted to them under a solemn Act of parliament. Those are the main features of the transaction. I have put the matter plainly before you in order that you may judge. I refrain from bringing up any extraneous matter. I simply wish to put it before the hon. members as business men. They call this Ottawa company a monopoly. If it is a monopoly the Hull company is also a monopoly. They have both similar privileges. The Hull company have the exclusive right between Hull, Aylmer and the county of Pontiac, while our company has only rights over the city of Ottawa subject to very stringent conditions, as you will see by reading the papers. They are altogether in the hands of the corporation ; the corporation have been very careful in drawing this agreement with the corporation, and they can enforce its conditions at any time. The company have never made any default and they have done more than they were required to do under the terms of the agreement, but they are willing to do it and willing to carry out the terms to the letter, and I think it would be a violation of all justice to deprive these men of all these privileges, particularly in view of the circumstance that they were obliged to buy out this Ottawa horse railway without which they could not have built this electric road. We would have been yet with this old horse railway if it had not been for the exertions of these gentlemen in taking hold of the enterprise and building the electric railway. Therefore I cannot understand, and never could understand, why the Hull company should come in here and propose to interfere with rights and privileges accorded to the Ottawa company. The Hull company obtained its charter in 1895, three years after the Ottawa company had demonstrated beyond all cavil and doubt that it was possible to keep an electric railway

open in winter. The other company profited by the experience of the Ottawa company and went into the business with their eyes open. They have, I believe a very good line on the other side of the river and they should be satisfied with it. I have no doubt it would be a paying line. They have made favourable arrangements with the authorities and are not liable to be called on to do more than they think is reasonable. They can do as they like in every way, and therefore I do not see why they should come in here and interfere with the rights and privileges of the Ottawa company. They have made arrangements with the Canadian Pacific Railway Company to lease their road between Hull and Aylmer for $5,000 a year, a very small sum for the benefits accruing to them. They have a line on that side of the river and are running their cars and doing a profitable business. They are carrying some ten and fifteen thousand people on Sundays. They do a large business, particularly on Sundays. They should be satisfied and I do not see why they should come over here. If the Ottawa company were trying to usurp their rights on the other side of the river, there might be some reason for these men demanding a similar right on the Ontario side, but the Ottawa company do not do that. They do not ask to go into the city of Hull at all. They say, "No, we are satisfied with the privileges and rights we enjoy here. We have got enough business to attend to of our own. We want to do that in a satisfactory way."

Hon. Mr. VILLENEUVE—Will the hon. gentleman inform this House whether the Ottawa Electric Railway Company have not obtained from the Governor in Council permission to extend their line into the city of Hull this summer in June?

Hon. Mr. CLEMOW—I read the communication from the Minister of Public Works. He is giving all the rights and privileges he can.

Hon. Mr. VILLENEUVE—Have not the Ottawa Electric Railway Company obtained this year an Order in Council permitting them to extend the Ottawa road into the city of Hull?

Hon. Mr. CLEMOW—No, they have no power to grant it. All the federal government can do is to grant them the right over their own property to the extreme boundary of Ontario. They have no rights in the city of Hull. They cannot control the provincial government. They have given all the rights they possess. They have said, "You can go as far as our rights allow us to give you." We cannot allow you to go into the city of Hull because we have no power. That must be obtained from the authorities in the province of Quebec, but these gentlemen do not require this at all, because the Hull company have the sole rights on the Quebec side, and therefore they are the only parties who can build that link between the boundary of the province of Quebec and the extreme boundary given to the Ottawa company by the Minister of Public Works. They have also done further than that. They have actually paid some private parties for the purpose of getting to the extreme northern end of this line. They have done everything that men could do, and now when this bridge is built outside of the roadway, they will have their line within 100 feet of meeting the Electric Railway of Hull.

Hon. Mr. VILLENEUVE—If my information is correct, the Order in Council gives the Ottawa company the right to go to Mr. Eddy's, which is quite a distance beyond the boundary line of the City of Hull.

Hon. Mr. CLEMOW—They have done that.

Hon. Mr. VILLENEUVE—Then your company has a right to extend the line into the city of Hull?

Hon. Mr. CLEMOW—No, merely to the boundary that the government of this country can give them. They have no jurisdiction over the rights of Quebec. They have given all the rights they have and the Ottawa company have taken advantage of it. They have run their line to the extreme point that the Dominion Government can give them power to go.

Hon. Mr. OGILVIE—Is it not a fact that by a mutual understanding between the Ottawa Electric Railway and the Hull Electric Railway last spring they were to build the gap that you speak of, when the bridge was erected, to the station of the electric railway in Hull. Was not that the mutual understanding?

Hon. Mr. CLEMOW—That is what I am given to understand.

Hon. Mr. OGILVIE—It was for the benfit of the Hull Electric Company, as much as anything else, that this road was to be extended to the station they propose to build. I know it is costing the Ottawa Electric Railway nearly $25,000 to put that bridge up and make that connection.

Hon. Mr. CLEMOW—We have done all we can do. We cannot get beyond that limit. We cannot transgress the rights of the Hull company. We have no power to go on their line one foot, but we have purchased private property and done all we can and there is only one gap of 100 feet which requires to be filled, and we ask to supply that track for the purpose of uniting these two lines. It is true, as the hon. member from Montreal has said, that some time ago the two companies met together and made some kind of an arrangement whereby they would connect the lines, but it has not been carried out. I am prepared to say that the Ottawa company will have an iron bridge constructed by the 15th November, and that they are willing to build that spur line to the Hull Electric Company's depot if they will give them authority to pass over the limits of Hull, but they cannot do it of their own motion. They have no power to go into the city of Hull one foot. Now what more can they do? They have given this contract to the bridge company, and I have read the telegram from that company stating that the bridge will be in operation in November, and that will give all the accommodation the people of Hull require to come into the city of Ottawa. I think they ought to be satisfied. I do not see how they can expect anything further.

Hon. Mr. McCLELAN—The Hull company can build that 100 feet you say?

Hon. Mr. CLEMOW—Yes, it is within the limits of the city of Hull, and they are the only parties that can do it.

Hon. Mr. McCLELAN—I understood you to say that the Hull charter gave power for 35 years without any reservation?

Hon. Mr. CLEMOW—Yes.

Hon. Mr. McCLELAN—Did I understand the hon. gentleman that the Ottawa company had similar power on the Ottawa side for 30 years?

Hon. Mr. CLEMOW—Yes. They have the same power from the city council, but, remember, subject to all those conditions that I have mentioned. They are obliged to do all these things and to pay the city a certain consideration.

Hon. Mr. DEVER—How could the passengers from Hull get into the city of Ottawa without paying a double fare?

Hon. Mr. MACDONALD (B.C.—They can walk the distance not covered by a track.

Hon. Mr. CLEMOW—If a man comes by the Hull company, and this 100 feet is built, he can come into Ottawa for five cents.

Hon. Mr. DEVER—That will be a double fare.

Hon. Mr. CLEMOW—Of course, you cannot expect the Hull company to carry people for nothing. They have got their own preserve. They enjoy all the privileges and rights on the Hull side. Why should they endeavour to interfere with the Ottawa company? The Ottawa company do not ask to go into the province of Quebec. The Hull company are not subject to the conditions imposed on the Ottawa company. At the end of 30 years the city of Ottawa has the right of taking this property out of the hands of the Ottawa company at a valuation. Everything is provided for in a satisfactory way. The city are satisfied with the service they have; there are no complaints. If they were not satisfied, they would come before us and say you ought to give this power to the Hull Electric Company, but if the Hull company were disposed to do this, why did they not do it before the year 1892 and undergo all the difficulties that the Ottawa company had to face? Under all the circumstances, I hope you will see, as far as the Ottawa company are concerned, that they only ask for the confirmation of the rights guaranteed to them by a solemn Act of parliament. They should not be interfered with in any way, unless some good cause can be shown for it. After they have expended their money in a hazardous undertaking and everyone is satisfied with the service they give, there is no reason why other parties should be allowed to come in and interfere with the privileges given them. If you

sanction that, there will be an end to such enterprises in this country. If a man has no security for his investments, it will have a bad effect. This question is of vital importance to the future of this company. If it is once understood that men can be deprived of their vested rights, then there is an end to investments in such enterprises as this in the future. The members of the Senate are all business men who are not led away by sentiment or feeling and they will determine that these parties shall be protected in their enterprise.

Hon. Mr. BOULTON—The Hull Electric Company, I understand, runs to Aylmer over the line of the Canadian Pacific Railway?

Hon. Mr. CLEMOW—Yes.

Hon. Mr. BOULTON—Is that the same gauge as the Ottawa Electric Railway?

Hon. Mr. CLEMOW—Yes.

Hon. Mr. BOULTON—They want to bring freight over their line, do they not?

Hon. Mr. CLEMOW—No, the Canadian Pacific Railway control the freight.

Hon. Mr. BOULTON—Has the Hull company the right to go over the Canadian Pacific Railway bridge without the authority of parliament?

Hon. Mr. CLEMOW—They can do that with the consent of the Canadian Pacific Railway Company.

Hon. Mr. BOULTON—Notwithstanding the Ottawa Electric Company's existence in Ottawa?

Hon. Mr. CLEMOW—Yes. That is a matter between the Canadian Pacific Railway Company and the Hull company. We do not object to legalizing the arrangements between the Canadian Pacific Railway and this Hull company. That is all right enough, but they should stop there. The present terminus is in Hull. We have been running there for three years, but on a Dominion bridge not under the control of Hull. All they have done is by authority of parliament. They have obtained the consent of the late government and of the present government, and conformed to all the conditions imposed upon them, and it would be a monstrous thing to say, under all the circumstances, that you will imperil the large amount they have invested in this undertaking on any ground whatever. If the city complained, if they said that the company had not performed their part of the agreement, then let them take recourse against the company. But the city is well satisfied. You have never heard any one say a word against the service given by the Ottawa Electric Railway Company. They give an admirable service. I do not believe they have been delayed one half-hour during the winter season in the severest weather. I used to think that it was an impossibility to run the railway steadily in winter, but I wish now I had known what could be done. I would be very much better off if I had. These men, who have had the pluck and courage to undertake this work to benefit the city of Ottawa, should be protected. It would be an ungrateful act on the part of the Dominion government to interfere with their powers. The city's representatives will appear before the Railway Committee and tell you that they are perfectly satisfied, and do not want any infringement on the charter rights of this company. I am prepared to answer any questions—I have nothing to hide. I only wish everything to be perfectly understood. I know people have been circulating all sorts of reports here, dragging in political feeling. I do not want to do anything of the kind. I want this enterprise to be judged by the course that these gentlemen have pursued in giving the city of Ottawa a service which can be maintained during the severest winter. Under all the circumstances, I hope this bill will be so amended as, while you will allow the contract with the Canadian Pacific Railway Company to be carried out, this other provision will be struck out.

Hon. Mr. OGILVIE—There is one point that the hon. gentleman from Rideau did not say anything about to-night, but I heard it spoken of in the corridors and denounced by several members of this House very strongly—that is, the monopoly enjoyed by the Ottawa Electric Railway Company. There are some monopolies that are injudicious and unwise and not for the benefit of the people, but there are others that tend very greatly to the benefit of the public. In the city of Montreal, which is very much larger than the city of Ottawa

the whole of the streets are used by the Montreal Electric Railway, and I am quite certain that no other company would be allowed to come in and interfere with their rights, because we could not be served so well by two companies as we are by one. I quite agree with the hon. member from Rideau, too, when he speaks about the enterprise and pluck of the people who started this Ottawa Electric Railway. I know a great deal about it I looked into it in the beginning, and spoke to two of the gentlemen who were undertaking it, because I thought they could not possibly keep it open in winter, but they seemed very positive that they could do so and with intelligence, energy and pluck they put their money into it. I can quite endorse every word that was said by the hon. member from Rideau about everybody in Ottawa being delighted with the service they get from the company. No place could be better served and it has been a mystery to me how they can make it pay the way they do. It cannot be a great monopoly when you can get a transfer from any part of Ottawa to any other part of the city for a little over four cents. The success of the street railway depends upon giving the quickest and best possible service. No city is better served than Montreal, and it is by one company. You may call it a monopoly, but it is a monopoly in the interests of the people. This House should well consider the propriety of interfering with this company. I have nothing in the enterprise, but I want to see this Ottawa company treated fairly. After they have spent so much money, it would be rather hard upon them if you authorize another company, at the eleventh hour, to come in and interfere with their rights.

The motion was agreed to and the Bill was read the second time.

THE SENATE RESTAURANT.

REPORT OF THE COMMITTEE ADOPTED.

The order of the day being read :

Consideration of the report of the Committee on the Restaurant on the question of the sale of intoxicating beverages within the precincts of the Senate.

Hon. Mr. ALLAN said :—I do not know why I am credited with the charge of this report. The only reason why my name appears there is that when it came in the other day the hon. gentleman who had charge of it simply moved its adoption without telling us the reasons which led the committee to the conclusions they had arrived at. I objected, and it was at my suggestion that, instead of the report being concurred in, its consideration was deferred until to-day. I should like to hear from my hon. friend what consideration induced the committee to arrive at the conclusion they did on this report As the matter stands, there were two resolutions moved, one by my hon. friend from Toronto, Mr. Aikins :

That His Honour the Speaker be requested to issue an order prohibiting the sale of intoxicating liquors within the precincts of the Senate.

That motion was not carried ; then there was a motion made by the hon. member from Halifax, to the following effect :

That the question of the sale of intoxicating beverages within the precincts of the Senate be referred to the Committee on the Restaurant to consider and report upon it at their earliest convience.

I understood my hon. friend to say that his reason for moving that amendment was that there was an agreement with the person who had charge of the restaurant for the sale of wines and liquors, and if that was put a stop to at once, we would render ourselves liable to damages, and at all events it would be a more proper way to ask the Committee on the Restaurant to confer with him, as I understood, with a view to putting an end to the sale of intoxicating liquors within the precincts of the Senate after the close of this session. With that understanding, I was willing to support the amendment. Now I find that this report does not contain any recommendation to put an end to the sale of wines and liquors whatever, but it simply says :

That clause 10 of the contract with the caterer which provides that the restaurant is to be used only by the senators and such other persons as have been approved of by the Speaker and the Committee, and excludes from it all other persons, has been substantially complied with, and that the Committee intend to enforce strictly the said tenth clause of the contract.

My objection to that is this, that it is one way of getting round the resolution which was carried in the House of Commons, because I presume the expression "members of Parliament" includes members of both Houses, and under the recommendation of the committee there would be no

reason why the members of the House of Commons should not have the same facilities for obtaining wines and liquors that they had before in their own House. That is not what I suppose the committee would recommend. For my own part, I think we shall probably place ourselves in a false position if we carry the recommendation contained in the report. It will be said that the House of Commons having adopted a self-denying course, the Senate are blocking the way, and that we are providing members of the House of Commons with facilities for obtaining liquor here which they formerly possessed in their own House. Altogether I strongly object to the recommendations contained in the report.

Hon. Mr. PERLEY—I think the course that is being pursued with reference to the sale of liquors is hardly in keeping with the temperance sentiment of this hon. chamber. Since the members of the other House voted for prohibition in that part of the building, a great many of those gentlemen come over here and get their wines downstairs. The other day, when this question was up, I moved an amendment for which I had no seconder. I understand, however, that it was not necessary to have a seconder in order to have it considered by this House. My resolution was ignored on that occasion, but to-night I have a motion which I propose to move. It is as follows :

> Resolved that after the expiration of the present session of parliament no wines or intoxicating liquors be allowed to be sold by the keeper of the restaurant or any of his officials or by anyone else within the restaurant department of the Senate.

Hon. Mr. MACDONALD (B.C.)—I am very sorry that my hon. friend did not appreciate the privilege that I gave him of placing his name to this report. The sub-committee appointed by the Restaurant Committee met twice in the Speaker's Chamber, and with His Honour the Speaker discussed the matter very fully, and the committee found that this contract for supplying wines and spirits to members of both Houses existed for a number of years and they did not think it necessary to put a stop to it. There is no abuse of that privilege. They did not think it necessary to curtail it merely to enforce the contract, and no outside persons beyond the members of the House of Commons should have the privilege of getting liquors there and that is the feeling of the Senate I think. There is no contest about it, and if we are to yield to any clamour outside of that kind, we might as well go, because on many occasions those things arise and the Senate is abused. I have been boarding at the Senate restaurant for a long time and have never seen any abuse of that kind, and it has been more strictly kept for the last two sessions than ever before. I believe as was said when this matter was up before, that on occasions, with the former caterers, people did come from the outside and purchase liquor, and the caterer was caught and fined, and from that day to this the thing is pretty well looked after. If we do as we intend to do—enforce the rules strictly—there will be no abuse of this kind. Now this is the report of the committee, of course, and it is not binding beyond the next few days. Then the session will close and this report does not hold after that time. There will be a new committee next session and they will take the matter up *de novo*. If it is the wish of the House that they should approve of the amendment I have nothing to say to it. I still hold my own opinion that there has been no abuse in the matter at all.

Hon. Sir MACKENZIE BOWELL—The objection I have to the report is to the manner in which it is worded as much as the principle involved in it. First of all it says :

> The restaurant is necessary for the convenience of His Honour the Speaker.

The Speaker can entertain his friends without any aid whatever from the restaurant keeper. I, myself, have given dinner parties in the Speaker's room, which was placed at my disposal by the late Speaker, without asking the restaurant keeper, or whatever you may term him, to perform the work necessary in carrying it out. The late Speaker did precisely the same thing ; hence the statement that the restaurant, or the sale of liquor, is necessary for the convenience of the Speaker, is, I think, not founded on fact, nor do I think the Speaker would take that position. There is another very important point here, where it says : "The rule prohibiting the sale of wines or other beverages to anyone not a member of Parliament "—why should we, as a Senate, leave the door open, as has been stated by

the hon. member behind me, for those who have solemnly declared that they will not have liquor sold within the precincts of their House, or in the portion of the Parliament buildings over which they have sole control? If this report is to be adopted I certainly shall move to confine it to members of the Senate, and that the door leading between the old restaurant of the Commons and that of the Senate be closed. If the Commons want the credit of adopting prohibition within the precincts of their own House, let us not, as a body, open the door to let them come and quench their thirst in our portion of the House. I am afraid I would be unparliamentary if I should say what I would like to say, but they have adopted a plan by which they convey to the people throughout the country, where a temperance and prohibition feeling prevails, that they par excellence, the representatives of the people directly, are prepared to abolish the use of liquor in their House, but the old Conservative body, the Senate, are prepared to give them all the liquors they want. I do not propose to be placed in that position. If we want a restaurant for our convenience, if it is shown that it is for the convenience of the Speaker, let us confine it to ourselves and let those who are taking the credit in the country of being prohibitionists by abolishing the restaurant in their own House have the credit, but let us not aid them in that hypocrisy which characterizes many people who advocate prohibition. That is the view I take of this question, and to those two portions of the report I certainly have strong objections. I shall vote for the motion of my hon. friend from Wolseley, because I think it is a proper mode of dealing with this question. The House of Commons have acted in accordance with what they believe, whether for political reasons, or whether they are honestly convinced of the correctness of their course, to be public sentiment; let us as a body show that we have just as much regard for that public sentiment as they have, and let us not leave them in the position of being able to say that they, who represent the people directly, are willing to accede to the wishes of the people, but that a body composed of four-fifths Conservatives are not prepared to make the same advance.

Hon. Mr. BOULTON—I should like to ask the hon. gentleman what he would do if he were to ask a member of the House of Commons to lunch. Would he drink the bottle of lager alone, or when any hon. gentleman is hospitably moved, and entertains a number of guests, if they are members of parliament are they to have nothing but cold water when the rest have wine?

Hon. Sir MACKENZIE BOWELL—The proposition that I make will not have that effect at all. If I should entertain any members of parliament, or other persons, I shall see that they get all they want, and not stint them.

Hon. Mr. SNOWBALL—I would ask the hon. gentleman to change one word in his motion, and make it read "sells" liquor to members, instead of giving liquor to the members of the House of Commons. It would answer the purpose I think. I was astonished, meeting people down at the lower provinces, to have them tell me that all the liquors were given, and the members of parliament drank at the public expense. It seems too absurd to be believed, but it was a gentleman that had been travelling the country from the Atlantic to the Pacific for a number of years, over 50 years of age, who was making these statements publicly. I think the hon. gentleman should change that word and make it read "selling," because the speech will be quoted.

Hon. Mr. OGILVIE—I have generally been able to agree with the hon. leader of the opposition here hitherto, but I certainly could not agree with him to-night, for he spoke of there being hypocrites on the other side, and I think that he is trying to make us hypocrites if possible. I declare, on my honour, that if I thought a prohibition law could be carried out effectively in this country, I would vote for it to-morrow; but I say, and I maintain it, and have said it for years, that to pass laws when you know they will not enforced is a vicious and bad system. I have been for many years taking my lunch downstairs, rarely my dinner, and I can quite agree with the hon. member from Victoria, that I never saw any excesses down there—no private club, no private house, could be carried on with more perfect quiet, and with less drinking, than our restaurant. I have gone in there day after day for lunch, and have never seen even half a glass of claret on the table. This

mawkish sentimentality—for that is about what two-thirds of it is—is what caused most of them to vote for the abolition of the bar in the other House. The hon. leader of the opposition said that they voted for prohibition. There is no man knows better than that hon. member that if that vote was taken by ballot and they were at liberty to vote honestly, not 10 per cent of them would vote for it, and when I spoke to-day to an intelligent member of the House of Commons he said you could not get five, and I said ten. We know what they do it for—the same reason that they voted for prohibition some years ago—they knew very well it would not be carried out. I never was a member of the Restaurant Committee. I never was anxious to get on the committee, and no one knows that better than the hon. gentleman from Hastings, but I say this, that it is a committee of good, sensible, respectable, careful men who have the confidence of this House, and why their report should not be carried out I cannot see. I do not agree at all with the hon. member from Toronto. He may have had it in his head that such a report was to emanate from them, but there was no understanding in this House that they were to pass any report, or to do any special thing. They were to do the same as every other committee in the House, take the matter into their consideration and report upon it. I have perfect confidence in that committee now, and I hope the House has enough of common honest good sense to vote for what they believe is right—I do not care how they do it—but not to be carried away by the mawkish sentimentality that influenced the other House, for they adopted what they do not believe in by a very large majority. I shall vote for the motion of the hon. member to adopt the report.

Hon. Mr. PROWSE—I have consented to second the motion made by the hon. gentleman from Wolseley, not because I am entirely in accord with that resolution, because I shall support a resolution that goes still further than that, if any hon gentleman in the Senate is disposed to make it; but in absence of any such motion, I shall certainly support the motion already before the Senate. I should like to see a resolution proposed to do away with the restaurant altogether.

Several hon. MEMBERS—Oh, oh.

Hon. Mr. PROWSE—Hon. gentlemen may say oh, but we cannot forget this fact, that there is a strong sentiment throughout this Dominion in favour of temperance. That has been voiced and declared by the House of Commons lately. So far as this Senate is concerned I may say, it is good to have the strength of a giant, but it is very bad to use that strength to its full extent. I can see no necessity for having any restaurant of our own in a place like Ottawa. We have magnificent hotels, club rooms and boarding houses throughout the city, and it is not very far to them from these parliament buildings. It would do the senators good to walk two or three hundred yards to their meals. We know the restaurants of these two Houses cost the country considerable money, and I do not think the Senate is justified in putting its hand in the public purse and paying—because it simply means that—paying for the boarding of the senators. They have a right to go and board in the hotels as other gentlemen do.

Hon. Mr. McMILLAN—I hope the hon. gentleman does not mean that the country is paying for the board of those gentlemen.

Hon. Mr. PROWSE—I mean to say the restaurant is costing the country considerable money, and we have to vote money for the maintenance of that restaurant, and if you close it up you save that much money and hon. gentlemen could board just as conveniently in the hotels of the city.

Hon. Mr. McMILLAN—But the gentlemen who take their meals there pay for them.

Hon. Mr. PROWSE—I am aware of that, but they do not pay enough for the meals to make it self-sustaining. Is not the Senate voting something every year to make up the loss that is incurred by running that restaurant?

Hon. Mr. MACDONALD (B.C.)—No.

Hon. Mr. LANDRY—If the argument is good we should abolish the Senate.

Hon. Mr. PROWSE—I want to say this, that I believe, myself, that there is nothing in the shape of immorality, nothing in the way of excesses going on in the restaurant. I believe it is as well conducted an institution as almost any private house in the city, but

at the same time, we have the sentiment abroad in the country and when we have the House of Commons abolishing the sale of liquors there, and the Senate retaining the privilege here, it would be discreditable to the Senate. It would go all over the country and we have a right to pay some deference to public opinion in this regard. We cannot ignore public opinion. We ought not to ignore it, and if we can assist in promoting the morality of this Dominion by depriving ourselves of some little comforts and luxuries that we are enjoying in the Senate restaurant I think we are called upon to make that sacrifice.

Hon. Mr. POWER—I wish to say a few words on the subject, rather more on a question of order than anything else. The motion by the hon. gentleman from Wolseley will, perhaps, not attain the object which the hon. gentleman and the seconder have in view, because it simply provides that hereafter intoxicating beverages shall not be sold in the Senate restaurant. The hon. gentlemen are both aware of the skill with which people who are anxious to enjoy such beverages can get around such provisions, and all that would be necessary then would be to see that the beverages were sold in some other room than the restaurant. If the resolution is to be effective, you will have to make it prohibit the sale of intoxicating beverages within the precincts of the Senate, that is if the hon. gentleman wishes to prevent the sale. The resolution which he has moved is one which is calculated to lead innocent people outside to think he is very much in earnest when he is not.

Hon. Mr. PERLEY—I said in the part of the building under his control and management.

Hon. Mr. POWER—The hon. gentleman said the restaurant.

Hon. Mr. PERLEY—Well, I will amend my motion.

Hon. Mr. POWER—Even granting that to be the case, granting that the hon. gentleman amends his resolution, I still think it is not a resolution which the advocates of temperance should adopt. What should be proposed is that notice be given to the keeper of the restaurant, in conformity with the contract between His Honour the Speaker and the keeper of the restaurant.

Hon. Mr. PERLEY—That expires after this term.

Hon. Mr. POWER—But you cannot terminate the contract without three months' notice. It runs on from year to year.

Hon. Mr. PERLEY—I do not think the committee have the power to give a contract extending over the session.

Hon. Mr. POWER—Oh, yes. I do not propose to discuss the question. We are all in favour of prohibition, or against it. I can only say this, that the question of prohibition has not been submitted to the country at large, as has been stated by the hon. gentleman from Murray Harbour. The hon. gentlemen can now go to any club or hotel and get all the beverage they desire, and I do not see why the members of this House should punish themselves and treat themselves worse than people outside of it. There does not seem to me to be much reason for that.

Hon. Mr. MACKEEN—As a member of the restaurant committee, I attended the committee for the first time, and I may say the reason which led the committee to bring in this report was that the allegation or statement was made that the Senate restaurant was a most orderly place, in which there was no dissipation, no drinking of any kind and which many members of the Senate never frequent at all. It was kept there for the convenience of those who occasionally required a little stimulant, those who were of delicate constitutions and so forth. The statement was also made that the cases of the House of Commons restaurant and the Senate restaurant were entirely different—for this reason—it was alleged that excesses had taken place in that restaurant, that it was kept in an entirely different condition from the Senate restaurant, that members were known to get intoxicated there and disgraceful scenes and scandals had taken place which went all over the country and hence there was some reason for abolishing the bar there, but with us it was entirely different, and we would be admitting what would be a reproach to the Senate to admit that this restaurant was an evil or temptation to any member in this Senate. For my part, as long as I have been here, I do not know where

the restaurant is, but I do not believe there is a member of this venerable body who will admit that that restaurant is in any way a temptation to him and leads him to do what he should not do—that is, to over-indulge in intoxicating drinks. I am a temperance man, but I support that report, because as far as I can see the restaurant causes no evil. It does not entail any evil consequences any more than does the side-board of any gentleman in this House where he keeps liquors for his own use. I am sure no dissipation has ever taken place in it. There are no excesses, as far as I can judge, and I say we are making an admission that is not complimentary to ourselves if we say to the country that we must shut up this restaurant because we cannot resist the temptation of indulging to excess when we go downstairs.

Hon. Mr. FERGUSON—I very generally agree with the hon. gentleman from Alma, but I cannot agree with him on this occasion in the conclusion he comes to on this question. If I needed any argument to convince me, the remarks he has made have satisfied me that some such motion as that moved by my hon. friend from Wolesley has submitted, is needed. My hon. friend says, speaking of the members of the other House, that he is quite satisfied that not five per cent—

Hon. Mr. OGILVIE—Ten per cent.

Hon. Mr. FERGUSON—You afterwards said five. But take it at ten;—that not ten per cent would have voted for their prohibition resolution, if they were to consult their own private wishes. That is an admission that the public sentiment of the country is so overwhelmingly strong that these gentlemen have been compelled, by the strength of that sentiment, to take that action. Now, my hon. friend says further that he would vote for total prohibition if he thought it could be carried out. Well, I am not going to differ from him exactly as to his opinion that prohibition throughout this country cannot be carried out, but I think he will agree with me that this small matter of prohibition that we have on hand could be carried out; and, therefore, if he would vote for prohibition in the country if it were practicable, why should he not go with us on this motion?

Hon. Mr. OGILVIE—That is nonsense; the cases are not parallel.

Hon. Mr. FERGUSON—I think they are entirely parallel, and if my hon. friend would be ready to vote for prohibition as covering the whole Dominion of Canada, if he thought it could be carried out, he might surely try prohibition on a small scale, where he is quite satisfied it could be carried out. My opinion on this question is that this sentiment that exists in the country is very strong—my hon. friend says it is a mawkish sentiment, but I do not agree with him; I think it is a noble sentiment, one of the best sentiments prevailing in our country to-day. The strength of that sentiment all must admit. The House of Commons, representing the people, directly dependent upon their votes, unanimously agreed to abolish the sale of liquors entirely within their precincts. I think, when my hon. friend looks at the matter carefully, he will consider the comparatively small advantage it will be to Senate, to permit the continued sale of liquors and that such should not weigh in the slightest degree, when we desire to put ourselves in line with what is undoubtedly a very strong public sentiment. I think the motion made by my hon. friend from Wolseley will answer very well. If we affirm that motion, we can follow it by another that notice be given to the restaurant keepers.

Hon. Mr. McCLELAN—I have a suggestion to make. The motion reads, "Restaurant Department of the Senate"; I think the hon. member should change that and make it read, "other parts of the Senate."

Hon. Mr. LANDRY—I object to that.

Hon. Mr. McMILLAN—As one of the members of that commitiee, I wish to say a few words. I think the hon. gentlemen who have spoken against this report are not logical in their conclusions. One hon. gentleman who has seconded the amendment moved by the hon. gentleman from Wolseley wants to close up the Senate restaurant completely, in order that those who are taking their meals there may go to a hotel or club where they can get plenty to drink.

Hon. Mr. PROWSE—If they like.

Hon. Mr. McMILLAN—Where they can get whatever they wish. Now, if he is a promoter of temperance he should not move in that direction, and I must say that I think the hon. gentleman could not have understood the purport of the amendment. As far as other gentlemen are concerned, they wish to have the country understand that by closing this restaurant they are acting in deference to a sentiment which they think prevails in this country, and that it will lessen the amount of drinking. I will support anything which will promote temperance, but I feel that we would be doing no good in closing our restaurant. There are various ways in which you can get liquor into this House without having it for sale downstairs. There are various ways in which drinking can be carried on in this House without having it exposed for sale in the Senate restaurant. And I know from what we have already seen in connection with what is known as the Scott Act that the moment you prohibit the sale of liquor, that moment you increase the temptation to drink more. A great deal has been said with regard to the Senate running counter to public opinion. I remember upon different occasions, when amendments were made to what was known as the Scott Act that were sent up here from the House of Commons, and rejected by this body, because they felt that the Scott Act was not in the interests of temperance, that the Scott Act would increase drinking instead of promoting temperance. I have no doubt the promoters of the Scott Act were perfectly honest and sincere in what they were doing; but we had a right to differ from them, and upon that occasion we did, as we do now, differ from the House of Commons. A great howl was raised because this House took it upon itself to reject the amendments that were made then. Well, how did it turn out? In various districts in the Dominion of Canada the Scott Act, when submitted, was carried by a wave in its favour which lasted for a year or two. In my own district, the Scott Act was submitted and carried by a majority in the neighbourhood of 2,000. To my certain knowledge drinking increased. There was not a hollow stump or log in the county but you would find a bottle in. You would meet people going home from towns and villages with bottles in their pockets. But when the people of that district got an opportunity to express an opinion on the Scott Act. it was defeated by an increased majority. In this Dominion of Canada to-day I do not know that there is any constituency in which the Scott Act is in existence. Perhaps there is one where it is still in operation. That was a case in which public opinion was for a time against the Senate, but the Senate was right. If you can show me that the closing of the restaurant will promote temperance in this House, I for one will hold up both hands to close it. On the contrary, I think you are going to throw hon. gentlemen who occupy seats in this House in the way where drinking is more freely practised. You are going to place temptation before them by obliging them to go out of this House and down to the club or hotels.

Hon. Mr. PERLEY—Do I understand the hon. gentleman to say that it is necessary to give members a little liquor in order to keep them from getting drunk outside?

Hon. Mr. McMILLAN—No, but perhaps after taking a walk of that kind they may want a drink when they get there. For eleven sessions out of the thirteen since I entered this House I have been taking my meals downstairs, and I cannot recall one instance where an hon. member of this House acted improperly or was the worse of liquor in the restaurant itself. I do not know what is going in the bar.

Hon. Mr. MACDONALD (B.C.)—There is no bar.

Hon. Mr. McMILLAN—I do not think you can find a more temperate body than the Senate. If a motion were moved to close the bar because hon. gentlemen had that temptation, and were acting in an improper manner, I would say there was a justification for this action, but it was prompted because hon. gentlemen of the House of Commons closed their bar. Well, I am not going to vote censure upon ourselves, because hon. gentlemen of the House of Commons did so. It would be improper for us to do so, and more than that, how, I ask, can the Speaker get on without the Senate restaurant? I am inclined to think that the Speaker cannot find any one who will attend upon his wants unless the Senate restaurant is kept open, as it is at present.

Of course the Speaker's apartments can be closed. He may take rooms at the Russell, or somewhere else, but I do not see why we should impose anything of the kind on the present Speaker when others were not treated in that way. I am in favour of the report and shall vote for it.

The Senate divided on the amendment which was rejected by the following vote :—

CONTENTS :

Hon. Messrs.

Allan,	Gowan,
Arsenault,	Macdonald (P. E. I.),
Baird,	McClelan,
Baker,	McKay,
Bellerose,	Mowat (Sir Oliver),
Bowell (Sir Mackenzie),	Perley,
De Blois,	Prowse,
Ferguson,	Snowball.—16.

NON-CONTENTS :

Hon. Messrs.

Béchard,	McKindsey,
Boucherville, de	McLaren,
Boulton,	McMillan,
Casgrain,	Merner,
Clemow,	Montplaisir,
Dever,	O'Brien,
Dickey,	Ogilvie,
Landry,	Pelletier (Speaker),
Macdonald (Victoria),	Power,
MacKeen,	Sullivan,
McCallum,	Villeneuve.—23.
McDonald (C. B.),	

Hon. Sir MACKENZIE BOWELL moved in amendment that the words "His Honour the Speaker" be struck out of the second paragraph of the said report. He said :—It will then read as follows "That the restaurant is necessary for the convenience of members." I do that because I do not think we should place anything on record as throwing the responsibility on the Speaker. The Speaker is one of the members and should be included in the whole, and it is better the Senate should take the full responsibility by saying "for the convenience of members."

Hon. Mr. MACDONALD (B.C.)—I agree to that amendment.

The motion was agreed to.

Hon. Mr. PERLEY—What does "members" refer to there? Does it refer to members of the Senate only?

Hon. Mr. MACDONALD (B.C.)—Yes.

Hon. Sir MACKENZIE BOWELL—The 5th paragraph reads :

That the rule prohibiting the sale of wine and other beverages to any one not a member of parliament will be strictly enforced.

I beg to move that the words "member of parliament," in the second line of the 5th paragraph, be struck out and the word "senator" be inserted in lieu thereof.

Hon. Mr. MACDONALD (B.C.)—The committee, when they met, discussed very seriously the propriety of excluding members of the House of Commons from the Senate restaurant, and they came to the conclusion unanimously that it would not be a proper thing to do, and that those gentlemen, if they come over here, should have the advantage of our restaurant. If those hon. gentlemen act in a cowardly way, we cannot find them courage or resolution, but I am opposed to doing anything to cut off a member of the House of Commons from participating in the privileges of our restaurant. They will commit no abuse, and if they come to drink, the blame rests on them and not on us.

Hon. Mr. POWER—I do not think the amendment moved by the leader of the opposition is altogether in order. The amendment is that "the rule prohibiting the sale, &c."—there is no rule prohibiting the sale to a member of the House of Commons, and I do not think the amendment is strictly regular. But there is another cir cumstance in connection with this matter. The hon. gentleman from Victoria has stated what the unanimous opinion of the committee was, and as they have given more attention to the matter than members of the Senate can, I think their opinion is entitled to a good deal of consideration. But if we are to have a Senate restaurant, we cannot exclude members of the House of Commons. If the proprietor of the Senate restaurant depended solely on the custom of this House, we would not have a restaurant for a week, and practically the amendment moved by the leader of the opposition is doing just what the hon. member from Wolseley failed to do by his amendment.

Hon. Mr. ALLAN—I do not think that amendment would have the effect of prohibiting the members of the House of Commons coming to our restaurant. We do not want, after the House of Commons had passed a

unanimous resolution doing away altogether with the sale of wines or spirituous liquors in their own House—we do not want to provide them with the means of getting it in our House, contrary to their resolution, but I do not see anything to prevent members of the House of Commons dining at our restaurant every day.

Hon. Mr. McMILLAN—The effect of the amendment would be to force senators to buy all the liquor and give it to the members of the House of Commons.

Hon. Mr. McKAY—The intention from the beginning was that our restaurant should be for the use of the Senate and not for the use of everybody who came along, and I shall vote for this amendment with a great deal of pleasure. The objection of the hon. member from Halifax could be met by putting "a rule" instead of "the rule."

Hon. Sir MACKENZIE BOWELL—I think the objection taken by the hon. member from Halifax is quite correct, and therefore I would suggest that the words "the rule prohibiting" in the first line of the 5th paragraph be struck out and the words "to members of parliament" in the second line be struck out and the word "senators" be substituted therefor. That would meet the hon. gentleman's objection and would make sense of it. Then it would read this way:

That the sale of wines and other beverages to any one not a senator shall be prohibited.

Hon. Mr. VILLENEUVE—You will find, by having strict rules of that kind, there will be no restaurant in the Senate. No one will open a restaurant to sell only meals. If you deprive them of the advantage of selling wine, which is really the source of their profit, you will find you will not get any one to run a restaurant here. If the restaurant is useful, you must give the caterer the advantage of the sale of a few bottles of wine. No one will open a restaurant to sell only to senators.

Hon. Mr. PERLEY—The hon. gentlemen who have spoken so far say no one drinks down there.

Hon. Mr. VILLENEUVE—Very few patronize the restaurant and those who have been accustomed to getting their meals there will simply find the restaurant closed next session.

Hon. Mr. OGILVIE—The purport of that motion is another way of getting round the bush for the purpose of closing up the restaurant.

Hon. Sir MACKENZIE BOWELL—I protest against any interpretation being put on my actions which are not borne out by facts. I do not say that the inference which the hon. gentleman draws, or which may follow, is not correct, but such is not my intention. I never thought of such a thing. What I propose is that the amendment be as follows:

That the sale of wines and other beverages to any one not a senator be strictly prohibited.

My reason for doing that is that advanced in the first place, not to have it said that we keep a place for people to obtain their drinks when the House of Commons prohibit the sale of liquors on their side. It does not prevent any senator from inviting any one to dinner at the Senate restaurant and giving him wine if he wishes to do so, but it places the restaurant of the Senate under precisely the same rules as a club. An outsider has no right to enter a club unless introduced by a member who can entertain him as he chooses.

Hon. Mr. OGILVIE—If you pass a resolution of that kind, you are violating the contract with the restaurant keeper.

Hon. Mr. LANDRY—Once a motion is made and put from the chair, it becomes the property of the House, and no one has a right to amend it without the permission of the House. I object to the change in the first amendment offered by the hon. leader of the opposition.

Hon. Mr. BELLEROSE—The motion was never put by the chair.

Hon. Mr. MacKEAN—As a member of the committee, I trust no one will take exception to the amendment. For my own part, I shall be glad to support all the restrictions you choose to put upon the sale of liquors to outsiders. The strong temperance sentiment which exists in the House of Commons, and which has been applauded so much through the country, will lead them

to support us in the resolution that we take. They cannot consistently object to our preventing them coming over here and making use of the Senate for the purchase of liquor. For my own part, I shall be glad to support this amendment.

Hon. Mr. McMILLAN—As far as the amendment of the hon. leader of the opposition is concerned, I think it will have the effect of stopping dinners given by the ministers.

Hon. Sir MACKENZIE BOWELL—No, no.

Hon. Mr. OGILVIE—Certainly it would.

Hon. Mr. LANDRY—It would if the minister is not a senator.

Hon. Mr. OGILVIE—Major McLennan gave a dinner a year ago in our House.

Hon. Mr. McMILLAN—The Minister of Public Works had a dinner there very recently, and also the Minister of Railways and Canals, and a number of dinners have been given there by members of the House of Commons, and the effect of the motion of the hon. leader of the opposition will be to prevent that.

Hon. Mr. McCALLUM—They can buy their wines outside.

Hon. Sir MACKENZIE BOWELL—If the hon. Speaker declares my motion out of order, I shall move another amendment, or in order to avoid any ruling, I will withdraw it or let it be lost, and then I will move another paragraph as follows:—

That the sale of wines and other beverages to any one not a Senator be strictly prohibited.

Hon. Mr. MACDONALD (B.C.)—I think my hon. friend is carrying it too far. The House has given its sense on this question, and I ask him to withdraw the amendments. We have heard a great deal about public sentiment outside—that it is opposed to it, but I challenge any man to say that the majority of public opinion is against this. Who can tell us that such is the case? No one.

Hon. Mr. PERLEY—I venture to say that public opinion would be against using the public buildings as a place to deal out liquor.

Hon. Mr. LANDRY—I rise to a question of order. That amendment cannot be put, because the hon. member who moves the amendment has already spoken on the question. That is the second amendment he has moved.

Hon. Sir MACKENZIE BOWELL—The other was withdrawn.

Hon. Mr. POWER—The question of the point of order is hardly worth while discussing. It can be easily got over. I wish to draw the attention of the House to the fact that the amendment proposed by the leader of the opposition is inhospitable in its character. It says "wine or other beverages." Under that wording, you could not sell a glass of lemonade or soda water to a member of the House of Commons. Surely the House will not pass such an amendment as that.

Hon. Sir MACKENZIE BOWELL—Then insert the word "intoxicating."

Hon. Mr. LANDRY—I want the ruling of the Chair.

The SPEAKER—I understand the hon. mover of the amendment has withdrawn his first amendment and I do not consider that that precludes him from moving another amendment.

The motion being put the amendment was adopted by the following vote:—

CONTENTS:

Hon. Messrs.	
Allan,	Lougheed,
Arsenault,	Macdonald (P.E.I.)
Baird,	MacKeen,
Bellerose,	McClelan,
Boucherville, de	McDonald (C.B.),
Bowell (Sir Mackenzie),	McKay,
De Blois,	Mowat (Sir Oliver),
Dever,	Perley,
Ferguson,	Prowse,
Gowan.	Snowball.—20.

NON-CONTENTS:

Hon. Messrs.	
Béchard,	McMillan,
Casgrain,	Merner,
Clemow,	Montplaisir,
Dickey,	Ogilvie,
Landry,	Pelletier (Speaker),
Macdonald (Victoria),	Power,
McCallum,	Sullivan,
McKindsey,	Villeneuve.—16.

The report as amended was adopted.

NORTH-WEST EXHIBITION.

Hon. Mr. PERLEY—I ask the indulgence of the House for a moment or two in regard to what I consider a most important matter. I was lead to believe in the early part of the session that the estimates prepared by the late government would be carried out, or brought before parliament this session. I also inquired of Mr. Ross, a member of the executive of the North-west Territories, when he was here with reference to some of these matters, and one item particularly, was $12,000 which was in the supplementary estimates last year to pay the balances due the contractors and others employed in connection with the exhibition in the North-west Territories. I might say in this connection, that Mr. Ross told me he had spoken to the minister of the present day, and that it was agreed to have that matter brought down this year. Last session I brought the matter before the notice of the Senate, and after considerable time we got the government to consent to allow this item. I was assisted in this by Mr. Davin, who took a great interest in the matter, because the people who have claims mostly all reside in his constituency. None of them are in the portion of the country where I live. We succeeded in getting the government to consent to pay $12,000 on a $14,000 claim, and the balance was to be investigated in the term between the sessions of parliament. I notice of all the amounts we advocated this $12,000 is the only one not in the estimates. It is not a political matter. These are poor men and are mostly on the opposite side of politics to myself. I think it is only justice to the people to allow these claims. One man, Mr. Williams, has $2,500 coming to him. He is a reformer and always took that side in the elections. It would be a ruinous thing for these people if this is not brought down. I have placed a notice on the paper, but I am afraid it will be too late to do anything after the notice comes up, and I hope the minister will see the matter brought to the notice of his colleagues and that something will be done for them in the supplementary estimates. I assure the hon. gentleman that it is an important matter and not at all political. It is due to the poor men, who assisted, by labour and by supplying material, in erecting the buildings and in the exhibition, and these men are not paid. The whole amount was $14,000 and the late government agreed to pay $12,000 and investigate the other two thousand. I hope the hon. leader will bring the matter before his colleagues and see that they have this amount put in the estimates to meet the claims of these men. I hope the government will consider the matter in the spirit in which I am bringing it up, and that these men will get their money in place of having to wait until July for it.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, October 1st, 1896.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (31) "An Act respecting the St. Catharines and Niagara Central Railway Company."—(Mr. McKindsey).

Bill (28) "An Act to revive and amend the Act incorporating the Montreal, Ottawa and Georgian Bay Canal Company."—(Mr. Clemow).

SOUTH SHORE RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. DICKEY, from the Committee on Railways, Telegraphs and Harbours, reported bill (32) "An Act respecting the South Shore Railway Company" with an amendment. He said:—This bill is reported with an amendment and I am given to understand that the promoters of the bill wish to move a further amendment to the bill as reported. I beg to move that this bill be taken into consideration to-morrow.

Hon. Mr. POWER—I do not wish to interfere with anything which the promoters of the bill have agreed to, but it is generally understood that prorogation will take place on Saturday, and if we do not deal with it before to-morrow there is some danger of its being lost. That amendment has to be con-

sidered and concurred in by the Commons, and it seems to me that, as the rules have been discharged with reference to this bill already, and the promoters are anxious to get it through, it would be better to read it a third time now.

Hon. Mr. DICKEY—The suggestion that I have made is for the promoters and at their suggestion, because they wish to make an amendment to the report and give the notice now. It is in order to give them an opportunity to move that I have made this motion, and if we pass the bill to-day we would have no opportunity of doing it.

Hon. Mr. BECHARD—I represent the promoters of the bill. When the bill passed through the Committee of Railways this morning, I saw the gentleman who in the Commons represents the company, and asked if there was an agreement between the parties. They did not like the amendment which was adopted this afternoon in the Committee of Railways, and then it was agreed a few minutes ago, among those who represent the promoters of the bill in the House of Commons, that the bill should be amended–that the clause which was amended this afternoon should be amended in such a manner as would give satisfaction to both parties. I do not know exactly what should be done at the present moment to attain that object. I leave it to the promoters of the bill, but I know the hon. gentleman for Sorel has in his hand a notice of an amendment.

Hon. Mr. McKAY—We have got into the practice of suspending rules and we might as well suspend rule 71 and take the amendment now.

Hon. Mr. FORGET moved that rule 71 be suspended so far as it relates to this bill.

The motion was agreed to.

Hon. Mr. FORGET moved that the ninth clause of the bill be amended so as to read as follows:

The company may construct such elevators and warehouses as are necessary for carrying on the business of the company.

He said: The law provides for that. We saw the promoters of the bill and satisfied them that they had all the rights under the Act.

The motion was agreed to.

Hon. Mr. BECHARD moved the third reading of the bill as amended.

The motion was agreed to and the bill was read the third time and passed under a suspension of the rule.

THE MANITOBA SCHOOL QUESTION.

NOTICE OF INQUIRY.

Hon. Mr. BERNIER gave notice that he will to-morrow inquire of the leader of the House:

1. Whether any definite arrangement has been made or agreement entered into between the government of the Dominion of Canada and the Manitoba government by which a settlement of the school question has or can be effected.

2. Whether in the negotiations having in view of a settlement of the school question in Manitoba the minority whose educational interests would be affected, were in any way consulted.

3. Whether such agreement, if any exists, has the approval of such minority or of some parties connected with the same or pretending to speak on their behalf, and if so, who are the parties approving such agreement."

Hon Sir MACKENZIE BOWELL—I give the leader of the House notice, in case his answer should be in the negative, that I will inquire if it is the intention of the premier to carry out the promise made by him in the late election, that a commission would be appointed to investigate the complaints of the minority of Manitoba with a view to their removal, with the hon. gentleman who leads this House at its head.

THE VACANT JUDGESHIP IN BRITISH COLUMBIA.

INQUIRY.

Hon. Mr. MACDONALD (B.C.)—The other day the Minister of Justice promised to give me a reply to my question about the vacant judgeship in British Columbia, and said he thought in two days he would be in a position to give me an answer. If no appointment has been made, I shall be quite satisfied with an assurance that no one but a member of the bar in British Columbia will be appointed.

Hon. Sir OLIVER MOWAT—I cannot give any assurance on the subject, because the matter has not yet been before the Council.

Hon. Mr. MACDONALD (B.C.)—The minister cannot give me any assurace that a member of the bar of British Columbia will be taken?

Hon. Sir OLIVER MOWAT—No, I can give no assurance either way.

DELAYED RETURNS.

INQUIRY.

Hon. Mr. FERGUSON—I should like the hon. Secretary of State to tell me whether he has that missing paper in relation to the fisheries papers which were brought down.

Hon. Mr. SCOTT—I thought I brought down all the papers—all that I got.

Hon. Mr. FERGUSON—There was one paper, a letter written by Mr. Lord, which I asked for two or three times and have not got yet.

Hon. Mr. SCOTT—The minister did not know of the letter and he promised me that he would write to Mr. Lord for a copy of it, and I presume he has not received it yet.

Hon. Mr. FERGUSON—Will you kindly remind him of it?

Hon. Mr. SCOTT—I will.

THE CLOSE SEASON FOR LOBSTERS.

INQUIRY.

Hon. Mr. ARSENAULT rose to

Ask the leader of the Senate, what instructions were given by the Minister of Marine and Fisheries, or officers of his department, regarding the enforcement of the close season for lobster fishing at Egmont Bay, and other places on the southern side of Prince Edward Island, during the present season?

He said: This is not a political question, but a question which affects a good many people on the south shore of Prince Edward Island, about Egmont Bay. Along the coast of that part of the island lobster fishing is extensively prosecuted. It is not situated the same as other places are. There are places on the north side of the island and elsewhere where the fishing commences on the 1st of May, and sometimes before the 1st of May. In this place the fishing does not commence until the 15th or 20th of May. Owing to the peculiar formation of the bay, the ice remains in the bay much longer than elsewhere, and even after it disappears the fish do not appear to come in as early in that locality as in other places. Consequently, year after year, the fishermen of that locality have asked for an extension of time. The close season commences the 15th July, according to the fishing regualtions, and at that date there is very little fishing done, consequently, we have asked from year to year an extension of the time. The authorities have in most cases granted an extension, that is, from the 15th July to the 1st August yearly. This year the same time was allowed, before the late government went out of power. Afterwards, when the new government was formed, the inspector of fisheries came along the coast; the season had been a very poor one for fishing, and in view of that fact, he told the fishermen, I do not know whether it was with the sanction of the Department of Fisheries or not, that they might fish on for ten days longer, that would be up to the tenth day of August. That extension was allowed. During that time we had no cutter and no fisheries official on the shore, and the warden did not visit the factories, and there was no step taken to close the season. After the 10th of August the fishermen opened their traps and began to haul them ashore, which takes a long time, because in that place they have to go out ten or twelve miles outside. That is about half way between the coast of New Brunswick and the coast of the island, and it is only on one of the finest days that they can fill their small boats full of traps, so it takes a week at least to bring the traps ashore. On a Saturday evening, the fishermen had all the traps ashore, but the lines were still outside. On Monday morning, about the 15th or 16th, there were no less than two steamers in the bay, and they sent their boats out to the lines and cut them. I should like to know whether there was any order to do so or not. The traps had been taken in, and all the gear except the lines had been hauled ashore. There was only the bare lines, and the officers cut them. The fishermen were there, ready to take up their lines that morning. In some cases they got at one end of the line and the officers were at the other, and cutting them as they were hauling them in their boats, until the fishermen made an extra effort and pulled them out of the hands of the officers. There was no fishing done in these instances. Those lines are very heavy rope of twenty-one threads and are therefore valuable, in some instances I know the parties lost $200 by it. If they had found the fishermen with the traps fishing, I would not blame them. That has been done before, but I know of no instance where the rope had been cut after

the traps had been taken ashore. They could not fish, they were going to take the lines ashore that day, and yet, in spite of the fishermen who were there, they cut the lines, some of which cost $200. I do not think that is fair. If you want to guard the fishing there is another way to do it. We have the fishery warden on shore. We have the inspector also. The lobsters are taken ashore. They are not manufactured out at sea, but are taken ashore and boiled there, subject to the inspection of the wardens. Why not send these wardens to those factories which are suspected of illegal fishing and if they find people fishing against the law, fine them. Fishermen have been fined before for violating the regulations. I do not complain of that. Any one fishing after the season should be fined. But to send the officers out to cut and destroy the property of the people to the amount of $150 or $200, as the case may be—I say is not fair or just. I do not say that it was done at the instance of the department. I think that some of the parties who have been appointed lately as fishery officers wanted to show what big men they were, and I am pretty sure that is the reason. In this case, where it has been done in such a violent way, the department ought to be held responsible for the loss they have caused to these people. There were some persons fishing at the time and there may be some fishing at this time, for ought I know. Well let those parties be punished. Let the wardens go to the factories, and if they detect any violation of the law, let the offenders be punished. It is the only just and lawful way of doing it, but to perpetrate such an act of vandalism as destroying the property of those who are not guilty of any offence in the manner I have described, is not just and I think they should be held responsible and required to make good the loss to these parties. I wish to know what instructions have been given to the fisheries officials there. I hope that in future a different mode will be taken in enforcing the fishery regulations on our coast. If these people had been fishing, I would say nothing about it but they were not fishing ; they were hauling their apparatus to shore as fast as they could.

Hon. Mr. SNOWBALL—I am greatly surprised to hear the remarks made by the hon. gentleman in reference to this lobster fishing. There is one thing the hon. gentleman must know, which is notorious, that the poaching that is done round the coast of Prince Edward Island in reference to these lobsters is very great. That the lobster season should be extended, I think is out of the question. The extension is an outrage, not only to Prince Edward Island, but to the whole coast. The honest fisherman on the coast of Prince Edward Island and other places should be protected. I have letters which I intended to present to the department asking them that the season be shortened. My informant says it is impossible to fish to any advantage after the 10th July. The hon. gentleman says that the fishing season was extended to the 16th, and that these people were hauling their nets in on the 16th. The 14th was Saturday, and the 16th was Monday. I would ask the hon. gentleman what is a lobster trap put down there for. Is it not to catch fish ?

Hon. Mr. ARSENAULT—After the 10th August, I say, they began to haul in their traps. It takes a week or eight days or ten days to do it. On the 16th all the traps were hauled in, only the lines were there.

Hon. Mr. SNOWBALL—The lines could not be there without the traps. I was brought up on that coast and know all about it.

Hon. Mr. ARSENAULT—You do not know much about it.

Hon. Mr. SNOWBALL—I know that these men, according to the statement of the hon. gentleman, were fishing—actually the traps were down on the 16th August, when they should have been all up on the 16th, and, according to the proper season, they should have been up on the 15th July. They were down one month beyond the time. If the Government extend the time and allow the people the fish later, they must have all in before the expiration of that time. Our people took in their traps on the 10th July, a month and five days before these people did, and then the lobsters were all soft and were not fit for packing. The lobsters packed in Prince Edward Island have the worst name of any lobsters put up in any part of the world.

Hon. Mr. PROWSE—That is not true.

Hon. Mr. SNOWBALL—I am very conversant with the trade and I know it. Take up a London circular and you will find that the Prince Edward Island lobster is quoted at a very much lower figure than the others. Newfoundland lobsters stand at the head and Nova Scotia and New Brunswick come next and Prince Edward Island last. The reason is because they think that beyond the close season the fish are good for food, and for the larger quantity of fish they do not get more money than they would for a smaller quantity. The honest fisherman is not protected when the dishonest man is allowed to continue fishing after the proper close season; that is the reason their standard is reduced. I say if they were not standing in their own light they would see that the fishermen would stop earlier. We claim that after the 10th July they should stop. I admit, if they allow fishing in the fall, good fish can be caught, but the hon. gentleman says that fishing is carried on even until the first of October. I was in the straits in the middle of October and illegal fishing was then going on. Now, in regard to lobster fishing, fishermen generally try to evade laws, I admit but they should be compelled, in their own interests, not to catch fish which are not fit for food and put them on the English market, and destroy the reputation of all the fish packed on Prince Edward Island. There are good fish packed on Prince Edward Island. I have bought fish from Prince Edward Island and sent them to England that were good, but that is not the character of the fish comprising the late Prince Edward Island pack. I claim that the fishermen on Prince Edward Island should not get any extension beyond the present close season and time given on the mainland: any gentleman looking at the matter will see it is not right. How can it possibly be that fish will pass the island and get on the shore of the main land, before there is any fishing on Prince Edward Island? The statement, I know, can be substantiated that up to a certain time you can fish and beyond that the fish are not good. The fishing regulations should be enforced to the very letter, and every net and trap and all fish, caught after the close season begins, should be seized. The government took a right step last year when they undertook to brand fish, and would only brand those that were caught in the right season. Are the government going to put their brand on fish caught after the close season and at a time when it is doubtful if they are fit for food? It would have the effect of depreciating the character of our fish. I would deal with the fisheries strictly, making a law and keeping it. When my establishment first commenced to pack lobsters, two lobsters would fill a tin. Now it generally takes eight, and the best we can do is to fill a tin with five lobsters. Those are the largest that are caught on our coasts. The fish that are caught and packed to-day are not grown to the size that would justify us in packing and using them, if we could only find anything else for our men to do. The fishermen have prosecuted their business for a long time, and it would be unjust to them to close down fishing for three years as is talked of; but if fishermen on the island are allowed to act as they have done, they will force the whole of the lobster fishing of Canada to be closed down for a term of years in order to save the fish from extermination. I am glad that the hon. gentleman has brought the matter before the House. He speaks about our fishing being in land locked places not far from shore. Our fishermen go out often ten miles to fish, but we do not attempt to fish after the close season sets in, because we feel that the time should be limited. We do not fish one hour after the close season begins.

Hon. Mr. ARSENAULT—I said nothing about the quality of the fish. I only asked as to the instructions given to the officers of the department to enforce the close season for fishing, and on this inquiry the hon. gentleman has chosen to go into the whole question of lobster fishing. When he says the island fish are not as good as fish caught elsewhere, I can tell him that he knows very little about it, because such is not the case. Our fish is as good and sell just as high in the market as fish caught in other places. As to the season for fishing in New Brunswick, the fishermen there have petitioned the department to extend the time to the first of August, and they fish up to that time, if not longer. That is what they are doing in New Brunswick. Notwithstanding the protestations of innocence on the part of hon. gentlemen, the public know, and I know, that the New Brunswick fishermen fish beyond the close season. My inquiry and my remarks related to what is past, and what I wished to ascertain was whether the wanton destruction

of property of inoffensive persons, to which I have referred, was authorized by the department, or whether it was done by some of the officials without authority.

Hon. Mr. PROWSE—I was a little surprised at some of the remarks made by the hon. gentleman from New Brunswick. I know business is business, but I do not think the Senate is exactly the place for the hon. gentleman to advertise his lobsters, especially at the expense of the packers of Prince Edward Island. I can tell him that there are as good fish packed in the lobster factories of Prince Edward Island as any that his fishermen put up. I will say further that it is gentlemen like the hon. member from New Brunswick who have done most injury to the lobster business throughout Canada. When the business of lobster packing was first established, it was carried on by men of means, who established large factories and carried on the business in a legitimate, honourable and honest way and packed good fish. As soon as the business was established, adventurers, with some capital, induced employés of these large factories to start on their own account, furnishing them with money and supplies of all kinds—even to the labels to put on their tins. The result was that they established factories in small places, in localities where it was not worth while sending cutters or officials to look after them. It is known that the large factories of Prince Edward Island close promptly at the time the traps should be taken up, but these little factories, with one or two hundred traps, which are supplied by adventurers, continue fishing after the close season sets in. They fish in a clandestine way in holes and corners, and pack the lobsters in stables and kitchens. It is that kind of fishing that is doing injury to the lobster business of Prince Edward Island, and it is difficult for the government to prevent it. The hon. gentleman says that the traps do not require to have a line attached to them. It shows how little he knows about the subject. How would a trap be used without a line? The line stretches from 150 to 200 fathoms, and is anchored at each end. The fishermen go out in their row boats with 10 to 14 traps and attach them to the backline. I leave it to hon. gentlemen who have paid any attention to the matter, to say how long it takes to put out a fleet of 250 or 300 traps if the fishermen have to take them out ten miles from shore, when they can only carry 12 or 13 traps in a boat each trip. They cannot possibly put out these traps in less than three weeks, and then they must have good weather. So it is in taking them back to the shore. They have a right to fish up to the beginning of the close season, and after that they begin to take up the traps. The first thing they do is to take the traps off the back line, the latter they leave in the water till the traps are all in, they can only take the traps ashore in fine weather and smooth water. Each trap is about 3½ feet long by 2 feet wide, and 18 inches high, and you can understand how bulky they are and the impossibility of taking them in the boats in rough weather. While they are taking their traps to shore they get no pay. In weather when they cannot attend to the traps, they go mackerel or cod fishing. When the weather is fine they take in the traps, and that occupies them from 10 to 12 days getting them on shore. According to the hon. gentleman's statement, at the close of the season all the traps should be ashore that is not required by the regulations, all that is required is that fishing shall then cease. It was a wanton piece of villainy to destroy a man's back line on the ground that it was there to catch lobsters with. If the traps were not there they could not catch lobsters and there was no necessity to destroy the back line. I say it was a wanton piece of vandalism to destroy that back line when all the traps were removed. The fishermen were not breaking the law. I have never advocated the extension of the fishing season. It is short enough as it is, but the government is justified, in fact will be culpable, if they do not carry out the law and compel the fishermen to stop fishing at the very day the close season begins. If the regulations cannot be effectually enforced, I would suggest, as the next best thing to encourage this industry, to shut down the factories altogether for a year or two, only it might do an injury to the poorer packers. I am satisfied, from what has fallen from the hon. gentleman from Egmont Bay, that he has a grievance and a very serious grievance to complain of. I know he understands what he is talking of, because he is largely interested in lobster packing himself, and he is a practical packer and owns factories himself. It is an unfair thing on the part of the hon. gentleman

from Northumberland to try and get for his own fishermen and lobsters a reputation at the expense of the people of Prince Edward Island.

Hon. Mr. SNOWBALL—Would the hon. gentleman say if the lobsters are not being reduced in size, and will he not give an explanation of that decrease in size?

Hon. GENTLEMEN—Spoke! spoke! order! order.

Hon. Mr. McINNES (B.C.)—In common justice I think the hon. gentleman ought to be allowed to ask a question.

Hon. Mr. SNOWBALL—In the face of the fish being so small, is there any justification for extending the time of fishing?

Hon. Mr. PROWSE—I never advocated an extension of the time.

Hon. Sir OLIVER MOWAT—The answer to the hon. gentleman's question, with which I have been furnished, is as follows:—On 12th June, 1896, the inspectors of fisheries and Commanders Spain and Wakeham were instructed by circular as follows:—

In view of the backward season and in consideration of the strong grounds urged by all those interested in the lobster fishery, the Minister of Marine and Fisheries has sanctioned a general extension of fifteen days for lobster fishing in Canada.

And on the 14th July the same officers were directed by circular to take every step to enforce the close season for lobsters on the expiry of the period allowed for fishing this year, of which they were notified on June 12th. Nothing is said here about a ten days' extension subsequent to all that. Of course, I know nothing of the details that the hon. gentleman has mentioned in his speech, and, not having anticipated them, I have not been in a position to make any inquiry on the subject, but I will call the attention of the minister to what my hon. friend has stated.

SUSPENSION OF THE RULES.

MOTION.

Hon. Mr. SCOTT moved:—

That the Forty-first and Sixtieth Rules of the Senate be suspended for the present session; the purpose of such suspension being to enable bills to be advanced more than one stage on the same day, and to avoid the posting of the notices of consideration by committees in the lobby.

He said:—This notice is always given in the dying days of the session, and on the present occasion, if I am correctly informed, there is but one bill, or possibly two, now awaiting the action of the committee, and the object of the notice, of course, is to give all parties opposed to any bill an opportunity of appearing before the committee. In the present case, more particularly in regard to the Hull Electric Railway Company's bill the promoters are, of course, quite ready to explain their case before a committee, and, therefore, no injury can arise from the suspension of the rule.

The motion was agreed to.

DISMISSAL OF OFFICIALS IN NEW BRUNSWICK.

INQUIRY.

Hon. Mr. McCLELAN moved:

That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate, copies of all correspondence or other papers, in the possession of the government or any department thereof, in any way relating to the dismissal of the following officials in the county of Albert, New Brunswick:

1. Captain Joseph McAlmon, harbour master for the port of Harvey, dismissed in 1884.
2. John R. Stiles, keeper of Grindstone Island light and fog alarm station, dismissed in 1885.
3. James E. Kinnie, fishery warden, dismissed in 1887.
4. William S. Starratt, keeper of Cape Enragé light and fog alarm station, dismissed in 1888.

He said:—I do not know that I shall say very much with reference to this subject. I have been led to give this notice by the fact that so many discussions have arisen here with regard to recent dismissals and I felt it was only fair that some reference should be made to the action of the former government in this regard. I think it has been said by the hon. leader of the opposition across the floor, that he was surprised that these matters were not properly investigated at the time. I may say, representing the province of New Brunswick, that I never have noticed a disposition to examine closely into cases of dismissals. There may have been some cases brought up here, but usually it has not been reckoned the proper department of the legislature to go into matters which more particularly come within the purview of the popular branch. However, it seems to have latterly come to be the method, and it is the custom now that these

things should be brought up here ; although they have been fully discussed in another place they are now duplicated here. I deplore that, because the tendency is to cause the people to institute comparisons between the course taken by the present administration and the course taken by the former administration, and it will stir up people so that perhaps more dismissals will take place than otherwise would be. If that is the case, the responsibility for it will rest upon those who are, I think, injudiciously and unnecessarily moving in these matters. If I were to hunt up the cases in the province that I represent, in conjunction with my colleagues from that province, I could find hundreds, and perhaps a good many hundreds of cases similar to those to which I allude in my motion. But these that I mention happen to be just a few cases which are within my memory, and with which I was well conversant, being in my own locality. Take the first one, Captain McAlmon, harbour master for the port of Harvey. The reason given for his dismissal was that he did not live in the port. That was a falsehood. He lived on one side of the river, while the gentleman appointed in his stead lives on the other side of the river, and the district included an area of a great many miles at that time.

Hon. Sir MACKENZIE BOWELL—How wide was the river at that place?

Hon. Mr. McCLELAN—It was not a mile. The port of Harvey includes a portion of the parish of Hopewell. I think the districts for harbour masters since that period have been more minutely defined, but at that time a harbour master was appointed for the port of entry, and Captain McAlmon lived within the port of entry and therefore the allegation that he did not live within the port was not true. However, there was not a great fuss made about it ; simply he was dismissed and a good Tory appointed in his place and that was the end of it.

Hon. Mr. FERGUSON—Was there a salary attached to his office?

Hon. Mr. McCLELAN—No salary, but there were fees. The remuneration for that office is by fees from the vessels.

Hon. Mr. FERGUSON—What do they amount to?

Hon. Mr. McCLELAN—That depends on the amount of fees collected. In some cases the fees amount to hundreds of dollars.

Hon. Mr. FERGUSON—In the port of Harvey?

Hon. Mr. McCLELAN—No ; I think the fees paid last year in that port were only $58. Next is the keeper of Grindstone Island light and fog alarm station, John R. Stiles, dismissed in 1885. The reason alleged for this was that the keeper was absent without providing a proper substitute and negligence in the care of the buildings. The substitute he provided was one whom the government had before recognized as a proper substitute. This was in the spring, when the keeper was off for a day attending to his farm duties. The individual in charge then had been in charge before and was recognized as the proper man during the winter months, but that was an alleged reason for the dismissal. There was no investigation about it, or any chance of denial or amendment. I submit to hon. gentlemen whether it was such a reason as would justify the dismissal of an official who had a claim on the superannuation fund for payment of dues for a number of years, and who had discharged his duties thoroughly, and, in addition to that, this officer had on a dark night and in a violent storm at great personal risk, rescued ship-wrecked sailors, for which he got a trifling reward, I believe, from the government. I am giving the reasons which I got from the department. Then there is James E. Kinnie, fishery warden, dismissed in 1887. I may say, anticipating a question, that his salary was $40. The only reason alleged in the Department of Marine and Fisheries was that he had moved from the district. I live in that locality and know exactly about it. He moved several miles, but he moved to a more central point in his district than he had resided in before. His district embraced "Shepody River and German Lake." The truth is, someone else was hungry for the salary.

Hon. Sir MACKENZIE BOWELL—For the $40?

Hon. Mr. McCLELAN—Yes, and the amount helped Mr. Kinnie who was not very well off to maintain his family. Mr. Kinnie was dismissed and a well-to-do

farmer appointed in his stead. Then, the next is William S. Starratt, keeper of Cape Enragé light and fog alarm station, dismissed in 1888. The reason alleged in his case was that he was absent and neglected his duty. Now, with regard to Mr. Starratt. there had been several times an allegation made with regard to him. He was keeper there for a great many years, and several times there had been a charge made against him by parties anxious to get him out, but at those periods there was an investigation held, and when the investigation came to be held, there was found to be no proof whatever against him, and he was entirely exonerated; but there came a time when there was no investigation held, and he had to go out without affording him any opportunity of defending himself.

Hon. Mr. McMILLAN—What was the charge then?

Hon. Mr. McCLELAN—Absence and neglect of duties, the same as before. Now, I know these men; I knew them to belong to old respectable families in that country. I know them to be moderate men and I can stand up here in the Senate and say to hon. gentlemen, knowing these men, that I would be unwilling to trust anybody's statement that there was any neglect of duty unless it was proven by investigation, and yet on the mere *ipse dixit* of some officials, I suppose, they were discharged. They were moderate men but they were Liberals. I think the whole of them voted that way. At least, they had that reputation. During a former discussion, the hon. leader of the opposition made the statement that he had never made any dismissals without a proper investigation, and that he manifested a disposition to protect those people against whom any false charges might be made.

Hon. Sir MACKENZIE BOWELL—I confined that to political reasons. There were officials dismissed, some for malfeasance and some for stealing and various other things. I said no dismissal was made for political reasons.

Hon. Mr. SNOWBALL—None in New Brunswick at any rate.

Hon. Sir MACKENZIE BOWELL—Nor anywhere else.

Hon. Mr. McCLELAN—I have no disposition to say one word by way of disputing the observation made by the hon. leader of the opposition. I think that he has been very magnanimous. I have no doubt that he has been very upright, but I have heard of people who were so upright as to lean the other way sometimes and I remember in a former debate on this question—I suppose I am not out of order in referring to it—as it was of a kindred nature—that the hon. gentleman made allusion to my hon. friend from Monck with reference to a case on the Welland Canal, to justify the observation he made that even in the case of a Conservative supporter charged with malfeasance in office, he took care to make a thorough investigation. We all know with what persistency and fervour my hon. friend from Monck brought forward these charges against the Superintendent of the Welland Canal, and my hon. friend from Monck, I notice in the debates took so much pains, and exercised so much perseverance, that on one occasion, in 1890, his speech really occupies about 50 pages of the debates, in giving evidence and showing how the public service was suffering and what a loss there was to the country. I heard his remarks yesterday, and I concur largely with him, and yet my hon. friend the leader of the opposition, makes a merit of it that he did not even displace him.

Hon. Sir MACKENZIE BOWELL—It was not in my department.

Hon. Mr. McCLELAN—It was shown that while that gentleman was getting $2,900 a year, he received $300 additional for horse-hire for directing affairs under his control, and that there was a great deal of loss and that corruption was practised. My hon. friend did not desire to injure the government, but he did what a patriotic man would do—he brought before the Senate the unfortunate condition of affairs on the canal and what might constitute a blot on the party he was supporting. If I followed the question accurately and correctly, my hon. friend from Monck claims that in bringing that matter up continually and presenting it before the leaders of the government, he had so far succeeded in extorting a virtual admission that he was in the right all the time—that he had succeeded in having a superintendent placed over this

individual, an engineer in charge to supervise him and control him, by which operation, entirely secured by the explanations of my hon. friend from Monck, the sum of $25,000 or $30,000 a year has been saved to the country. Well, the very fact of there having been that sum saved, shows that before that there had been $25,000 or $30,000 a year wasted by the continuance of this official. That being the case, my hon. friend makes a merit of continuing this individual in office. If I understand it, Mr. Ellis is still drawing his $3,900 a year and $300 for horse-hire, notwithstanding the fact—and it appears to me to be a fact, as presented by my hon. friend from Monck—that this waste has been proven to have been going on under his direction and superintendence. The government did not take cognizance of his conduct for a long period so as to save that much, and they have absolutely failed to this day in correcting the evils by removing the party who had occasioned them. I bring this up because it seems to be pertinent and justifies my observations, and that while I have shown so far as I can—and I am giving the evidence I got in the department—that these individuals I speak of, and they are only representatives of a very large class in New Brunswick, were dismissed without any very just cause or provocation, and in two of these cases I know from my own personal knowledge the allegations were false. That does not show much kind-heartedness, but, of course, that was not under my hon. friend's department, but in the case of Mr. Ellis, he has gone the other way, and an individual who is proved not to have been acting in the public interest is maintained in office. In the cases of the humble individuals referred to in my motion who were dismissed, they were Liberals ; in the other case, as I understand the whole position of affairs, the gentleman was a good Conservative. He may possibly be a personal friend of some member.

Hon. Mr. MACDONALD (B.C.)—Then his time has come.

Hon. Mr. McCLELAN—These discussions unfortunately lead up to such comparisons, but then why should we make these comparisons? It must be in the memory of hon. gentlemen around these benches that in 1879 the Act relating to Weights and Measures was repealed, and then revived again, by which ingenious device the political heads of ninety worthy officers and men in this country were decapitated all at once. That was a very ingenious Conservative device, of course.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman explain why their services were dispensed with?

Hon. Mr. POWER—Because they were Liberals.

Hon. Mr. McCLELAN—I have been explaining about these other gentlemen, and I suppose these would come under the same classification.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman has paid any attention to the debates in the House he would know that there were fifty or sixty, not one of whom had ever done a stroke of work, and the Mackenzie government had paid them a large sum, but never provided them with any instruments or tools.

Hon. Mr. McCLELAN—Not one of them?

Hon. Sir MACKENZIE BOWELL—No ; not one.

Hon. Mr. McCLELAN—Well, why did they retain those that were Conservative?

Hon. Sir MACKENZIE BOWELL—Because they were then given work. There was a change made, and instruments were imported, and they were set to work.

Hon. Mr. McCLELAN—I should like to inquire what was the great object of taking back the Conservatives? If not one had worked, all should have suffered alike, but how were the officials blameable, any way.

Hon. Mr. BECHARD—I should like to ask the leader of the opposition if the statement he made as applying to some parties would not apply to all? Because in my district the inspector of weights and measures had been appointed on my recommendation, and no better officer ever exercised his duties of office under the government. He performed his work faithfully, he was an honourable man, but he was dismissed and a good Conservative was placed in his stead.

Hon. Mr. McCLELAN—I only mentioned that incidentally, because that seemed to

be a wholesale sort of thing and a very ingenious device of modern civilization. I do not know that I need pursue this question further. I brought it up in order to throw a little light on the other side, and I wanted to refer to the contrast, the different shades of it, and therefore I referred to the Ellis case. I think my hon. friend the leader of the opposition was Minister of Railways and Canals or he was acting minister, perhaps, during this period. If he was not the acting minister he certainly was premier.

Hon. Mr. McMILLAN—There was no such department at the time as Railways and Canals, in 1876.

Hon. Mr. McCLELAN—The name may have been changed.

Hon. Sir MACKENZIE BOWELL—When do you refer to?

Hon. Mr. McCLELAN—The time the investigation was ordered by my hon. friend from Monck. I say I have no doubt my hon. friend was either minister during the time or acting minister, or at any rate he was for some time the premier of this country, and therefore I think I was justified and right in referring to that as a case in which it appears to me some governmental jurisdiction should have been exercised more than was displayed ; but I come to the conclusion that the facts I have given here have illustrated—there were hundreds of cases in the province where I come from where dismissals took place without the slightest investigation, while in the other case where charges were so plainly proved against the offender, the party is retained in office, drawing a large salary. I naturally come to the conclusion that the former governments, at all events, have not been altogether free from censure ; that they did those things which they ought not to have done, and left undone those things which they should have done, and, I might add, they had no political health in them.

Hon. Mr. FERGUSON—After the very long discussion we had yesterday on this question of dismissals, I came to the conclusion that we had the subject sufficiently ventilated in this House, and I came to the decision to drop the motion that I had myself on the Order Paper, which I felt would likely renew discussions that had probably gone far enough. I thought that my hon. friend from Albert would have been satisfied, after the very lengthy discussions we had on this question in which he took part, to have simply made his motion and let the matter stand there, I further thought the hon. gentleman would be more likely to take that course from the fact that yesterday he deplored the bringing up and renewing of these discussions, and he said they had the very contrary effect from what was intended, and that good could not come from them, yet in the face of that my hon. friend enters into a very long argument and goes over this question again and in the face too of his own deliberate opinion, expressed more than once, that it is not a subject which the Senate should deal with at all. From that opinion I entirely dissent. There is no question at all involving a higher principle in the good government of our country than the tenure of office by deserving public servants, and the time of this House could not be better employed than in guarding against any infringement of this good, wholesome British principle. But I notice the whole argument of my hon. friend to-day is not to vindicate or defend the administration from the charges made against them, but an attempt to establish, not that the present government are doing right, but that someone else did wrong on some other occasion. My hon. friend is clear headed enough to know that he does not establish the innocence of the government by showing that some former government did wrong. My hon. friend was one of those who never tired of stating that the late government were very wicked and very bad, and were guilty of a great many improper and questionable actions in public life. It seems now that my hon. friend is perfectly satisfied if the successors of the late administration can be proved not to have done anything worse than the late administration did, and he thinks he has made out an excellent case if he can only show the House and the country that the present occupants of the treasury benches are not worse than their predecessors. My hon. friend has called up three or four cases in his own province about which he has a local knowledge, that of course we do not possess. After the papers come down it may be found that, although my hon. friend

has a great deal of information on these cases, he cannot possibly have all the information necessary to discuss them. One thing I am gratified to observe, which I think is some credit to the late government is that whether there was any such thing as a political cause leading up to the dismissals to which he has referred, no administrator in the late government was sufficiently indecent as to avow political reasons as the cause for dismissal of a man from office. Whether any such thing as that came into consideration, or had any influence in bringing about those dismissals, one thing at all events is creditable to the administrators in the late government—according to the statement of my hon. friend—that they were not sufficiently indecent to avow that they dismissed people for political reasons. I am reminded of what I heard a few days ago in another place. A gentleman was just pursuing the same line of argument as my hon. friend from Hopewell is following here to-day. He was unable to defend the action of the the present government in dismissing faithful and efficient public servants for political reasons, and he tried to prove that the late administration were equally guilty. He cited an illustration. He is a representative of a constituency on the mainland, and he told a pitiful story of a man, known as Tom Allan, who lived at Cape Tormentine, N.B, and who for 53 long years had carried the mails between Cape Traverse and Cape Tormentine. This man, he said, had even been obliged to lie out nights on the ice while carrying the mails, in some cases for two or three days at a time, and had been a useful man to his country, yet, after 53 years of service he was dismissed and turned out on the cold mercies of the world without any consideration whatever. I heard his statement myself with a good deal of surprise, knowing the man, the place and the service. I know that this man, Tom Allan, had never carried the mails between Capes Tormentine and Traverse. He may have crossed as a boat hand, but he never was a mail carrier across the straits. He was a contractor for carrying the mails on their arrival up to his house; that was the extent of his contract, and in the course of time, tenders being called for and the boathouse being removed to another place after the railway was built there, he lost his contract. This was the whole foundation on which this fine story was based in order to prove that the late government were just as bad as the present administration. I have a return here, which was laid on the Table of the House yesterday, and I will revert to it just in a few words, because I do not intend to say anything more on this question, at least for this session, in the hope that the words of warning and advice that have been tendered to our friends on the treasury benches in this House during the present session, coupled with I know the good intention of ministers themselves, will enable them to steer clear of the mistakes they have been making during the last two or three months on this subject, and that when parliament will again meet there will not be much ground to complain on this very important subject. This return which was brought down yesterday, in answer to a motion moved by myself, gives the names of 47 persons who were dismissed on the Prince Edward Island Railway since the 11th day of May last. I know from my own personal knowledge, that it does not embrace the names of some 20 or 30 persons who were at the same time deprived of employment. I know there are at least twenty or thirty persons who were extra trackmen, who are not called on until about the first of July, and they probably have not been called on for this season, and others have taken their places. They are the men who had been regularly called for and taken for many years, some of them working in that capacity for twelve or thirteen years and some of them who had missed their opportunity of being permanent trackmen, perhaps illiterate men who cannot read and write, and as the rule of the department is that a man who cannot read and write cannot be promoted as a trackman, they were unable to secure permanent employment. They were temporary trackmen because of their want of education. I know men who have been in that position, temporary trackmen, since the time of the Mackenzie administration, who this year ought to have been employed, and if they were added to this list, it would swell it up to seventy names.

Hon. Mr. POWER—The hon. gentleman told us that he was not going to discuss this question, that it had been discussed at sufficient length.

Hon. Mr. FERGUSON—I did not intend to and would not have done so had not

the hon. gentleman from Albert delivered the speech to which we have just listened.

Hon. Mr. POWER—The hon. gentleman is reading a document now which has no reference to the speech made by the hon. gentleman from Albert. I am prepared to discuss this whole subject of dismissals fully, and if the hon. gentleman goes into the question, I must claim the right, and ask the indulgence of the House to be allowed to do the same thing.

Hon. Mr. FERGUSON—The hon. gentleman may take whatever course he thinks proper. I am not going to interfere with his right, as a member of this House, to pursue any course that he thinks proper to follow, and which the rules of the House permit.

Hon. Mr. POWER—I might raise a question of order. The hon. member is now out of order. I do not propose to raise the question of order if it is understood that I have the right to depart from the question raised by the hon. member from Hopewell as well as the hon. gentleman.

Hon. Mr. MACDONALD (B.C.)—The motion of the hon. gentleman from Hopewell refers to dismissals.

Hon. Mr. POWER—But it is specific dismissals. The hon. gentleman cannot surely go all over the country and deal with the subject generally.

Hon. Mr. MACDONALD (B.C.)—The whole question relates to dismissals, and the hon. gentleman's speech relates to dismissals. My hon. friend is perfectly in order. This hinges on dismissals entirely. That is the question before the House now.

Hon. Mr. FERGUSON—I was about to show that the man whose name is first on this list was 17 years in the service, the next man was 21 years and 3 months employed, Richard Fitzpatrick. I know him well. If he is a Conservative, I do not know it. He is a quiet, unobtrusive, honest man, who attends to his work and who has never been to my knowledge, at a political meeting, or taken any part in an election. I have a letter in my possession from him, and it is a letter which appeals to any one's compassion and sympathy. After that long period of service he is dismissed, and a man who never drove a spike in a tie on a railway, is put in his place. It is a danger to the public, and a wrong to the man who has been discharged. Another man had been in the service for 23 years and 3 months. Robert Stewart was in the employ of the railway for 16 years. I know this man well, and he is not a strong politician. In fact, at the late election it was his determination not to vote at all. He happens to have two brothers, one a strong Conservative, the other a Liberal. The Conservative brother, on the day of election, drove him to the polls and got him to vote. This man who is not an active partizan himself is punished, simply because his brother is an active politician and succeeded in inducing him to vote. The reason assigned for the dismissal of many of these men is that they had been active political partizans. That is my object in referring to this document at all. Here is the reason boldly given, that these men were active political partizans at the late election. No investigation was held, no charges were made against these men, they were simply notified that on next Monday, and in some cases the next morning, they would be no longer required, and other men would be put in their places. I say all the cases are hard cases and are altogether unjustifiable. While in these cases we have the open, bold, unjustifiable reason assigned, that they have been dismissed for political partizanship without trial, without investigation, my hon. friend from Hopewell, himself, in the cases he has brought before us, admits that political reasons were not assigned for the dismissal of the men to whom he refers.

Hon. Mr. MACDONALD (B.C.)—I always thought my hon. friend from Hopewell had many noble qualities; I never knew that he was an antiquarian until to-day. The information he gives us to-day must have been obtained by diving into documents musty with age. He must have been a sweet baby in his cradle when a good deal of it happened.

Hon. Mr. POWER—1878 is not so long ago.

Hon. Mr. MACDONALD (B.C.)—Many think that the day of judgment will come ere long, but the hon. gentleman goes as far as the day of resurrection, and raises cases which occurred long long ago. It shows

how lame the hon. gentleman's arguments are in support of the present administration. Is the hon. gentleman from Marshfield going to drop his motion?

Hon. Mr. FERGUSON—Yes.

Hon. Mr. MACDONALD (B.C.)—I wish to speak about the dismissal of these poor people to whom he has referred, who were dismissed without being given an opportunity to justify themselves, or rebut the charges made against them, by spies and informers. If the question now under discussion were simply a provincial one I would say nothing, and would allow the senators from the different localities aggrieved to look after their own case, but this question is far reaching and contains elements which I, for one, cannot allow to pass unnoticed. My conscience is not yet so seared—so blunted—as to prevent my using my voice for the injured and oppressed. When I find a government fresh from the polls, with victory inscribed on its escutcheon—instead of resting in strong and contented dignity—breathing a spirit of bitterness and revenge against poor, innocent, helpless, working-men—am I to sit to silently acquiesce in such acts of tyranny and injustice? I cannot do it. The hon. Minister of Justice, in his remarks yesterday on a kindred subject to this—said: "it had been pretty well agreed to by both parties, that government employés taking a prominent part in elections should be dismissed"—I would like to know who has agreed to such a monstrous doctrine? I hope there are many, very many men in parliament, and in the country who will not subscribe to a doctrine of that kind, but if the whole parliament acquiesced, the Minister of Justice should not acquiesce in an injustice. One of the reasons given by the hon. minister in justification of summary dismissals, is exceedingly weak, in fact it is no argument at all to say that a previous government has done the same thing—has dismissed servants in a summary way for taking part in elections—I do not justify any of the harsh and unjust acts of previous governments, but we are not dealing with other governments now. Nor do I object to the present government following closely in the footsteps of previous governments in all their wise, and good acts—for they may fairly be credited with such—but I do object to the cruel and unjust acts of anybody or any administration being followed by the present government, and that they should claim in justification of their conduct that they were doing nothing worse than had been done by their predecessors. We must take the case, as it now stands; we are judging the present and not the past.

Hon. Mr. POWER—The hon. gentleman thinks that history should begin on the 23rd of June last.

Hon. Mr. MACDONALD (B.C.)—A wrong done by the late government cannot justify a wrong done by this government. We are dealing with what has been done, and with the utterances of ministers of the Crown as to what they say they will do. We have a party now in power which claims to be pure and upright, a party which for the last eighteen years has denounced and exposed the evil acts of Conservative administrations, but no sooner does that party of purity come into power than it follows the policy it previously so strongly condemned. Is such conduct consistent with the ideas that honourable and sincere men should have of consistency? We have the facts before us—that a number of government employés have been dismissed—without a trial—without a hearing, and without evidence—unless prejudiced evidence—for taking part in the recent elections. If the places of those men are to be filled with partisans the last evil will be as great as the first; but if their places are not to be filled at all, or filled with the best men, regardless of politics—then the evil will be mitigated. If the policy of "to the victors belong the spoils," is to be carried out by this government, then we are entering upon a degrading, demoralizing, and unholy policy, which will lead to dishonesty in official life, as it has done in the neighbouring republic—and a crop of spies and informers will be called into existence, which will make public life an abomination to every honest person. It is an axiom in British law that no one is to be condemned unheard, and that every man is to be considered innocent until proved guilty. Those dismissed men have had no trial—no opportunity to defend themselves—but have been kicked out on *ex parte* representations made by partisans. Is that according to British law? Let us consider what these poor men have done! Have they broken any law,

human or divine? Have they transgressed any rule laid down for their guidance? No. They have not been guilty of any such transgression, nor have they done anything against the present government. When they cast their votes and took part in the elections the present government did not exist. Those men in the exercise of their political rights were only carrying into effect the law of the land as free citizens, in a free country. They were exercising their undoubted right under our liberal institutions, secured to them by the great political reformers of this country. That is what they did, for which they are trampled on, and the bread taken out of their mouths, and out of the mouths of helpless women and children—By whom? By a liberal government in the light of the 19th century? By a government on whose banner is emblazoned the motto—"purity—justice—conciliation!"—Now that banner is dragged in the mire, though that high sentiment is effaced and replaced with the motto—"Revenge!" Were I to treat poor workmen in such a manner I would feel guilty every mouthful of food I ate, and my sleep would be disturbed by the wail of hungry women and children—and by the anathemas of injured fathers, called down on those who had injured them. We have a Minister of Justice in this country who is supposed to hold the scales of justice with an unprejudiced, and even hand. One of his functions is to review judgments and prevent if possible miscarriage of justice. Has the hon. minister exercised this wise prerogative of his office in the case of these poor men, condemned unheard? Has he warned his colleagues at the council board that they are acting harshly, cruelly, and unjustly? If not he is shirking a grave responsibility as Minister of Justice. A few days ago I heard in another place with my own ears the outrageous doctrine propounded by an old man, who, I was told, was a minister—an old man with one foot on the brink of the grave, and the other on the (metaphorically speaking) helpless, and prostrate body of the working man. "That if any credible, and reliable member of the party, or any defeated candidate informed him that persons who were in the employ of the government had taken an active part in the election, he would without further inquiry dismiss such persons. Could Herod or Cæsar dealing with their slaves be more tyrannical? Let us now inquire whose servants are these men who have been dismissed by the government? Servants of the ministry? No! they are the servants of the country. Who pays their wages—the minister? No! they are paid by the country and they are the servants of the country. The authority of the minister comes into play when such servants are unnecessary, or when found unfit for work, or have broken any regulations under which these were working, but to dismiss a man for exercising his legitimate rights, is an unwarranted assumption of power by the minister. We have all heard of the Armenian atrocities, and have been horrified—but are those worse than the Liberal government atrocities—they are equally a deprivation of life, in the one case by a summary process—which is the most human—and in the other by the lingering process of starvation.

Hon. Mr. McINNES (B.C.)—Does the hon. gentleman pretend to say that any of those poor men that he is so solicitous about would remain in the employment of the government twenty-four hours if they could get a better or more remunerative position? Not one hour would they remain.

Hon. Mr. MACDONALD (B.C.)—That is no question at all. Nobody would do it. Would you remain in this House if you could be King of the Cannibal Islands to-morrow?

Hon. Mr. McINNES (B.C.)—Yes, I would.

Hon. Mr. MACDONALD (B.C.)—Many of those dismissed men no doubt have helpless children, or aged parents, or other poor relatives, depending on their earnings for food; and we find a government of conciliation throwing these poor men out of work, and out of bread, on the approach of a long and cold winter. The victory won by the government should be revenge enough for all it has suffered, and it ought to be magnanimous in the flush of victory. If any should be punished, it is those who urged these poor men to take the part they did in the elections, and they have been punished by defeat. The government should follow the splendid example of the dusky potentate of Abyssinia, who, after his victory a few months ago over the Italians, with Christian magnanimity allowed a large body of the enemy whom he had besieged in a fortress

to march back to their headquarters with their lives and their arms. This is the way a semi-savage ruler treats the enemy who invaded his country. How does the government of Canada treat its political foes? It should go to King Menelek of Abyssinia to learn a lesson in forbearance, peace and good-will.

Hon. Mr. McCALLUM—There has been a great deal of noise made about this question, probably more than is necessary. We have the assurance of the leader of the Senate that he does not believe in the policy "to the victors belong the spoils." I for one will hold him to that. Now, as to the statement that the government are going to dismiss all the labouring men on the railways, I should be sorry to think that the government, no matter what its political character may be, would descend to such a thing, because it would not be in their own interest. Just look at it: every man discharged will be whetting his knife to get ready for the next election to punish the government. The government is not going to do that. I do not know that I would have said anything at all on this question if I had not been reflected upon the other day because in the interest of the country I had brought a case before parliament here and pressed for an investigation. It was on account of mismanagement of the Welland Canal. I made my statement in this House. The government appointed a commission to look into the matter, and of course I was to satisfy the commissioner. They would not suspend the official while the investigation was going on, and it was very, very hard work to get at the facts of the case. Of course, that commissioner conducted that investigation to suit himself. In fact, I have strong suspicions (and I was backed up by a man who is not living to-day) that he was sent there for that purpose—that he was sent there to whitewash Mr. Ellis. That was my opinion, but I proved enough, I think, to warrant the dismissal of that gentleman. If my hon. friend, the leader of the opposition, had not, the other day, tried to claim great virtue for himself because he did not discharge that officer, I would not have referred to the matter. If he was virtuous in not discharging him, I was wrong in bringing the charges against Mr. Ellis. I think now that I am bound to show how the case stands, because I have got the reputation, I believe in this country—

An hon. MEMBER—Your virtue is beyond reproach.

Hon. Mr. McCALLUM—No, I do not say that, but I have the reputation of being truthful. What is the case? We had an investigation; the commissioner made a report and sent it to the government and then another report was sent in. A gentleman is within my hearing who knows it. Although they denied having the second report, we finally got it and what did it prove? That there was gross mismanagement on the Welland Canal, that the gentleman who was managing the Welland Canal as superintendent was using the public money for his own benefit, that he managed the canal extravagantly and that there was a great loss of money to this country. I stated that to the House and the evidence was produced here, but the government would not look at it, and when the leader of the opposition told us the other day that he would not dismiss him, I asked did he ever look at the evidence? He has been Minister of Customs in this country, for, I think, sixteen years. He discharged that duty, I must say, in a manner satisfactory to everybody. He has been acting Minister of Railways and Prime Minister of this country, and yet he rises here and claims as a virtue that he has kept that gentleman on the Welland Canal and has been paying him for the last five years for doing nothing. Mr. Ellis does not do anything and has not done anything for the last five years but draw his salary of $2,900 a year. The government of the country at that time, when I made that statement here in the House and summed up the evidence taken at that investigation, lost confidence in Mr. Ellis and sent a man to be over him on the Welland Canal.

Hon. Mr. McINNES (B. C.)—How much did they pay him?

Hon. Mr. McCALLUM—I do not know how much they paid him, but whatever they paid they did not pay him too much. My opinion is that he is one of the best men they could secure. He has saved this country twenty-five to thirty thousand dollars a year every year since he has been

there, and still they pay Mr. Ellis $2,900 a year. If you took at the returns you will see what they are paying exactly.

Hon. Mr. McINNES (B.C.)—I want to know how long an extra man has been there —how many years?

Hon. Mr. McCALLUM—He has been there since 1890, and he is there to-day. The government can deal with this matter as they think proper, but my hon. friend, the leader of the opposition, claimed it as a virtue that he did not discharge that man. I have no feeling against Mr. Ellis and never had any, but he is there to-day. He has been acting most extravagantly; he must have been at one time, because he was satisfied to build his house with the labour of the men employed on the canal by the government. He turned out the gas at night on the canal and let people drown, and he got gas and fuel free from the canal. I would not say a word about this if the hon. gentleman had not tried to make it appear that he was virtuous for refusing to discharge Mr. Ellis and that I was to blame. I will allow no man to make that statement of me. If I do a wrong to anybody I am man enough to apologise. It is hard to do so, but I would do it. The evidence in that Ellis case is now in the Department of Public Works. That evidence proved what I summed up in this House, that Mr. Ellis wasted and took the public stores for his own use. It was hard work to get the evidence and only part of the truth was revealed. The witnesses that I produced were controlled by the government all the time, and the government would not suspend him. I proved that he wasted and took between $36,000 and $37,000. He had a man on the pay list for three years and seven months and paid him so much a month, and the man did not work a day. The evidence proves that he put him on the line, and used to turn him under different foremen. He could keep him only two months under any one foreman, and then changed him so as to try to hide this from the government. Finally I got it out, but it was pretty hard work to unearth the facts. Then, after all my efforts in this House, the government made him disgorge $475.15—that is all—so they could not have been looking after him very carefully. If I am wrong in bringing this matter before the public to save the country money, of course the leader of the opposition must be right. He must be virtuous, because he claims it as a great virtue that he did not dismiss this man Ellis. The gentleman that was put over him is managing the canal to-day and discharging the duty well. I know the other day he had to leave the canal and go to Toronto. Did he put Mr. Ellis in charge of the canal then? No, he could not trust him an hour. He put another man in charge, and then reported Mr. Ellis to the government and dismissed him, but what did the government do? Did they confirm his action? No, they put Mr. Ellis back. All I have done in the matter has been done in the interests of the country. The reason I took hold of it at all in the first place was that I found this gentleman tyrannizing over the men on the Welland Canal, and I say I do not want to see the workingmen of the country tyrannized over. They should have all the comforts of life as long as they are willing to labour for them. I have said all I desire to say about the canal; I am sure hon. gentlemen must be tired of it.

Hon. Mr. MACDONALD (B.C.)—We have not had it for some years now.

Hon. Mr. McCALLUM—But when you did have it, you got a good dose of it. I know I spoke several hours on it, but you were kind and heard me out. However, I could not get the superintendent dismissed, though there was enough proved against him to warrant his dismissal. I went to a great deal of trouble, took the evidence and showed it to the government, but they would not act. My hon. friend, the leader of the opposition, was not in the Railway Department at that time, but he was Acting Minister of Railways at one time, and he was Prime Minister of this country for a while, and certainly it ought to have been worth his while to take up this question, but he did not do it. I cannot say that I urged him very much when he became Prime Minister. I never spoke to him personally about it. I thought it was his business. I had done my part and would be satisfied to leave it where it was and let the government of the country deal with it as they thought proper. I did not expect to be censured for so doing, and that the minister would claim as a virtue to himself that he did not discharge a man

even if Senator McCallum wanted him to do it. I never asked him or anyone else privately to discharge that gentleman. There was the evidence. It was the duty of the government to look into it, but they were too much engaged otherwise, I suppose. I have always understood, and I think they understand now, that I did not come to parliament to represent myself; I came here to represent the interests of the people and I say the ministers of the Crown ought to look at their positions in the same way. They should not think of themselves; they should do their duty, and if they do not do their duty they will be put out. If this government does not do what is fair and right it will have to go as its predecessor went. It is said that they are tyrannizing over the country by discharging workingmen. In their own interest, I cannot believe they will descend so low as that, because every man they discharge unjustly will await his opportunity to get back at them. If he does not, he is not worthy to have the franchise. It is surprising to me that the idea should enter the head of anyone that workingmen should be discharged without cause. They are free born citizens and can work. They are independent, as long as they have health and can earn a living. No matter what government we have such a policy is not likely to be adopted, because if the government act in that way they will not be in office long. They will have to make room for better men. A cry and howl has been raised in the country about people being discharged. There is no man in this House that will try, in his humble way, to hold the leader of the Senate, the Minister of Justice, in this House to his word more than I will, and I have his word that he does not believe in the policy "to the victors belong the spoils." He does not want to carry on the system they have in the States, and I will say here that the people of this country will hold him to that. I do not believe he will recommend the policy of cutting off any man's head because he votes against the government. But there is another question. If a civil servant goes on the platform and making himself obnoxious to the powers that be, I do not say at all but what they might dismiss him and that it would be just to do so. I do not say that the late government have not done so in some cases. If a man goes on the stump, he takes his life in his hands, but at the same time it is a question for the government to decide whether they will dismiss him or not. Any government should desire to have the good-will of the people. They may be Reform to-day, and Conservative to-morrow.

Hon. Mr. MACDONALD (B.C.)—The man on the stump breaks no rule at all.

Hon. Mr. McCALLUM—I did not know it was the rule of the civil service of the country that they should be all politicians. I say they should have a right to vote.

Hon. Mr. McMILLAN—A great many of them are politicians.

Hon. Mr. McCALLUM—If they are prepared to be politicians, let them take the consequences.

Hon. Mr. McMILLAN—They have not been punished.

Hon. Mr. McCALLUM—Not yet. I have tried to point out to the government that it would be a dangerous thing to punish them, because they will wait their opportunity and retaliate. There is no doubt about that. I hope I have heard the last of the Welland Canal matter. I want the government to look into it. I do not want them to take my word. I have no feeling to-day against Mr. Ellis, and never had.

Hon. Mr. ALMON—Hear, hear.

Hon. Mr. McCALLUM—Only to point out the way he has tyrannized over the people and mismanaged the affairs of the canal. By one blunder alone, as you will see by the evidence of John Page, the country lost $25,000 in one night. I could overlook that, it is only a mistake. But when a man uses the property of the country for his own benefit, I think it is time to take action. He should not be rewarded by being kept five years in the employ of the country, and doing nothing but drawing his pay. There is something further he does. He goes round with the paymaster once a month and points out the men who should be paid. He does that. I do not want to be unjust to him at all, but the sooner the government looks into this case the better it will be for the country. I hope that my hon. friend, the leader of the government in this House, will prove that he is, himself, virtuous, and that this will be the last time we shall have to discuss this matter. I do not

want any more of it. I might dwell a good deal on the appointment of the commissioner who made the investigation, and the action that my hon. friend, the leader of the opposition, took on it, but I prefer not. I might read Senator Flint's speeches in this House; you remember the character he gave that commissioner. Senator Flint said that he was sent there for the purpose of whitewashing Mr. Ellis, and that the leader of the government and the Minister of Customs knew him well enough and should not have sent him there.

Hon. Mr. BOULTON—I do not propose to take up the time of the House with any remarks. We have discussed this subject pretty thoroughly, but I would just call the attention of the hon. gentleman to what the late government did in the dismissal of two officers in Winnipeg, Colonel Villiers and Major Street. The only notice they had of dismissal was seeing their names in the *Gazette*. To be sure, they got an allowance of one year's pay for their services, but that is all, after a long service as officers of the country.

Hon. Mr. MACDONALD (B.C.)—No one denies that.

Hon. Mr. BOULTON—It was an arbitrary dismissal, not of opponents, but to make way for one of the same party. I thoroughly sympathize with the hon. gentleman from Victoria in all he has said with regard to the hardships that have to be borne by those who lost their positions at a moment's notice for no other cause than that the government has changed. But at the same time, we cannot hold ourselves, the Conservative party, blameless in a great many instances. I say it is a great hardship to dismiss two officers like those men, because their circumstances were not very good, and I am told they feel the loss of their income more than the labouring men, because they are not able to turn their hands to anything else. I hope myself to see the day when old-age pensions will be extended throughout the country. When the country will be able to take up such a question as that I am not able to say, but I do not like to see any one turned adrift in old age, after having served the country for a number of years, without receiving a pension of some kind or other, in order to protect him for the rest of his life from want. The question has been pretty well discussed, and the general sentiment of the House, and the expressions we have heard from the leader of the House, give us the assurance that these dismissals are not to be of a wholesale character, but that they are simply isolated cases in one or two portions of the country.

Hon. Sir MACKENZIE BOWELL—I have no desire to enter into a discussion of the cases to which many hon. members have alluded: were I to do so, I could give very good reasons in defence of the action of the late government. These reasons can be found in Hansard, therefore it is unnecessary for me to repeat them. I could give an answer also to other charges with reference to myself. These, however, I shall allow to pass without occupying the time of the House in discussing them. I claim no credit in reference to the case to which I called the attention of the House when we were discussing this question the other day. I merely mentioned that case to show that although a strong political friend of the government had made serious complaints against a public officer, the Minister of Railways at the time, after taking very great pains to ascertain whether the charges were sufficient in his judgment to cause the discharge of the official, declined to discharge him. I merely mention that fact to show the care that was taken by the government in every case of complaint, before any action was decided upon, and not with any desire to claim any virtue for myself. I was not the Minister of Railways and Canals; I was acting for some time—I am not sure whether at the time the investigation was made or not. My object in rising now is simply to place before the Senate, in as few words as I can, a justification for the course pursued with reference to the inspectors of weights and measures throughout the Dominion at the time the late Judge Baby, then Minister of Inland Revenue, introduced his bill repealing the Act then upon the statute-book. Whether some of the gentlemen who were then removed should not have been reappointed is a question I am not prepared to discuss at present, for the simple reason that I am not in a position to say whether the minister at the time was justified or not in the course he adopted, but I hold in my hand a statement published in Hansard, and I ask my hon. friends who desire to know the facts, to turn

to page 1340 of the Hansard of 1882 (May 6th), in which they will find a tabulated statement which was laid upon the table of the House showing why these removals, if such they may be termed (because they were legislated out of existence), were made. The headings of the table are as follows:—

The division to which the officer was appointed.
The officer's name.
The date of the Order in Council.
The date when salaries commenced.
The date when standards were supplied.
The date on which operations began.
The number of days employed.
The amount of salary drawn during the periods the officers were employed.

Every division, every officer's name, the number of days employed—all are given in this tabulated statement, and I find that in Ontario alone there were paid to these officers who had not done a single day's work (not having been supplied with the necessary apparatus and standards to enable them to perform their work, for which I find no fault with the officers themselves) was $18,784.44. In the province of Quebec the money spent in payment of officers who had done nothing was $20,048.54. In connection with the officer to whom my hon. friend from Iberville refers, I find that he was appointed on the 30th September, 1875, and on the 3rd November of the same year, his salary began. The date when the standards were supplied was July 18th, 1876, and the date on which operations began—that is when he began work—was November 4th, 1876. The number of days unemployed—that is, the number of days on which he had nothing to do (not being able to perform any work for want of apparatus, the government not having provided the necessary standards, etc., to enable him to do so), was 463 days; so that he was paid $631.62 for doing nothing. So far was this carried that you will find on referring to this statement that an inspector of weights and measures was appointed for Labrador. Whoever supposed that a weights and measures inspector was required for that part of the country? How much do you suppose this gentleman got during the time he occupied that office without doing a single hour's work? It amounted to $8,106.89. I will not particularize further. In New Brunswick the amount spent in the manner that I have indicated was $6,164.65; in Nova Scotia, $4,981.38; in Manitoba, $770.

Hon. Mr. POWER—Those officers were paid by salary I suppose?

Hon. Sir MACKENZIE BOWELL—Yes. What I am showing is that the amount of money that those gentlemen received for doing nothing was very large. In Prince Edward Island the amount was small—only $345.45, and in British Columbia only $74.97. The total amount thrown away by the negligence of the government in not furnishing those officers with the proper instruments to enable them to perform the work was $52,382.32. When Mr. Baby took charge of the office and found the department in this state, was he not justified in repealing the Act and by repealing the Act dispensing with the expenditure of so large an amount of money for which no return was made? The object in repealing that statute was to enact another law at some later period by which that particular branch of the department could be put upon a sounder, a more solid and more economical basis. If I were to read the whole of this statement, which covers a number of pages, not only in connection with this one branch of it but the whole, it would show the best possible justification of the course taken by the government in the removal of those officers under the circumstances.

Hon. Mr. McCLELAN—What complaint was there against the officers?

Hon. Sir MACKENZIE BOWELL—The complaint was that the law on the statute book placed in the hands of the government the appointment of some 60 officers and that they kept them in their employ with nothing for them to do.

Hon. Mr. McCLELAN—That was not their fault.

Hon. Sir MACKENZIE BOWELL—I did not say that it was. I said, when I began my remarks, that I found no fault with them. The reappointment of the weights and measures inspectors was another thing altogether. The repeal of the law removed these gentlemen from office just as the repeal of other laws to which I might call my hon. friend's attention wiped officials appointed under them out of existence; and that when appointments were subsequently made under other arrangements, I have no doubt that the government selected them from amongst their friends. The officer

to whom the hon. member from Iberville calls attention may have been an estimable person who was well fitted for the office. I have nothing to say on that subject, for the simple reason that I don't know anything about him. I have known my hon. friend for many years, and I accept his word unhesitatingly. I do not propose to discuss the other questions which have been brought up, nor shall I, even at this late date, defend the officer whom I know very well, who made the investigation in reference to the Welland Canal. I think I could give reasons to justify the course that the late government pursued which might not satisfy even my hon. friend who brought this motion before the House. I do not pretend to say that I could justify the conduct of the government to the satisfaction of the hon. gentleman who made the complaint against Mr. Ellis, because that would be a matter of utter impossibility.

Hon. Mr. PRIMROSE—I suppose the House is utterly tired of this discussion. I had intended to enter into it at considerable length, but at this late date I shall refrain from doing so. I feel, however, that I should be recreant to my sense of duty if I did not say a few words on the subject, inasmuch as the county from which I come, has been made the theatre for the exercise of this power of dismissal to an extent that would surprise hon. gentlemen. There was very little time lost after the 23rd June last, and about as flagrant an example as can be found of the utter injustice of placing in the hands of a defeated candidate the power of saying who shall be dismissed as being an offensive partizan has been given in my county since that date. Without entering into the subject of the debate as fully as I had intended to do, I wish briefly to put on record my opinion that a course of action such as this, will open wide a fountain, the pestiferous outflow from which will overspread the whole plane of our political life in this country, and whose noisome exhalations will, with their malarial breath, kill outright every plant of truthfulness, honesty and justice within the area of its baneful influence. From these certain results of this most wretched policy may God save Canada.

Hon. Mr. BECHARD—I wish to add a few words of explanation with regard to the case I have mentioned. The leader of the opposition observed that the inspector of weights and measures in my district was a man who had not performed his duty. Whether the work he performed before he received the apparatus and standards was considered by the government as being worth anything or not, I cannot say: the point that I wanted to make was that he was an efficient officer and well disposed to work and do his duty. He was an honest and honourable man, and why was he dismissed? Is it because he had not received the instruments earlier? It was not his fault. If he had received the apparatus I suppose the work performed after he got them would be considered by the government as being worth something. The point I want to make is that he was dismissed, although he was a well qualified official. Dismissed why? I cannot tell why. All I know is that he was a staunch Liberal and that a staunch Conservative has been put in his place.

UNFINISHED BILLS.

INQUIRY.

Hon. Mr. MACDONALD (B.C.)—I should like to know what course will be pursued in dealing with bills which may not pass their third reading before the prorogation of parliament? Can those bills be suspended until next session to be then taken up at the stage which they had reached this session and carried through?

Hon. Sir OLIVER MOWAT—That sort of thing would require the assent of both Houses. The subject was brought up in the other House and that House decided not to do it; therefore, we cannot do it. Besides that, I am told that a statute would be necessary, even though the consent of both Houses were obtained, before it could be done.

At 6 o'clock the Speaker left the Chair.

After Recess.

Hon. Mr. POWER—Before saying anything about the subject of dismissals, a subject that has been, in one shape or another, before the House for some time now, I cannot help repeating my expression of regret that the practice of this House has been abused, with respect to questions.

Hon. gentlemen on both sides must feel that it would be desirable that the House should come to some understanding with respect to the limitation of discussion on mere questions. The practice was introduced in 1877, of calling attention to a subject, and then asking a question, and it was always understood, if an hon. gentleman gave a notice of that sort, that he proposed to have a general discussion on the subject, but when there is a simple inquiry we ought to come to an understanding that at any rate there shall be nothing but the speech of the hon. gentleman who asks the question, and the speech of the minister who replies. There is another thing, too; we are lax as to our rules—lax as to all rules. The hon. gentleman from Marshfield gave notice of a question on the 24th September which was taken up on the 28th, that he would ask the leader of the House whether certain language used by the hon. Minister of Railways, in another place, expressed the opinion of the government. That was understood to be preliminary to a discussion that was to arise on another notice which the hon. gentleman from Marshfield had given, that he would call attention to the extraordinary announcement of policy by the government. On that first notice, that he would ask the question the hon. gentleman made a speech, which covered a great deal of ground. Other hon. gentlemen took part in the discussion, and a great deal of time was consumed, and hon. gentlemen who might have been prepared, perhaps, to have dealt with the speech which he might have made under the first notice—that is the one with respect to the extraordinary announcement of policy—were not prepared, and did not expect, to make a speech on the second question. Then, yesterday the hon. leader of the opposition asked a very simple question with reference to a gentleman in Toronto who had held a license to vend postage stamps, which license had been withdrawn and given to another gentleman in Toronto. Under that, the whole matter of dismissals, and of the government policy with respect to tenure of office, and things of that general character, were discussed. To-day we have the hon. gentleman from Marshfield telling us that he does not propose to have any discussion on the old notice under which the discussion should properly have taken place, and the result has been that gentlemen, like the hon. gentleman from Victoria and myself, who had proposed to say something on the general question, were, under the strict rule, shut out. It is very good of the House to indulge us and to allow us to make a few observations on the general questions, even though we may be slightly out of order. I do not propose to undertake to answer the statements made by the hon. gentleman from Victoria. One might as well undertake to answer the adventures of Baron Munchausen or the lamentations of Jeremiah. The hon. gentleman's speech was not an argumentative speech; it was a speech made up of very fine sentiments, the connection of those sentiments with the matter before the House not being very clear.

Hon. Mr. MACDONALD (B.C.)—The matter before the House related to events which occurred fifteen years ago.

Hon. Mr. POWER—I think the better way to look at this question is not to regard it as a matter of sentiment, but to look at it as men of business. We have not to deal with Bulgarian atrocities, or Armenian atrocities; we have to deal with the fact that the government do not keep in their employ a certain number of persons, nearly all of whom were employed as labourers, and paid so much a day, on certain portions of the government railways in this country. What is the use of comparing these things with Bulgarian atrocities and Armenian atrocities ?. I did not know that the hon. gentleman from Victoria posed as a humourist, but he certainly did appear in that character this afternoon.

Hon. Mr. MACDONALD (B.C.)—I meant it seriously. It was the deprivation of life in both cases.

Hon. Mr. POWER—Now, to show that the hon. gentleman was playing with the House, and was not serious, I wish to draw attention to the fact that some three or four years ago a minister, whom the hon. gentleman followed, whose supporter he was, in a most summary way dismissed some seventy employés of the Department of Railways and Canals, with almost no notice. The hon. gentleman, who was the first to shed tears over these men dismissed in Prince Edward Island, had not a tear for all those poor men who were thrown out of their

positions, and deprived of the means of livelihood by his own friends.

Hon. Mr. FERGUSON—But their places were not filled by others. They were dismissed because there was not work enough for them.

Hon. Mr. POWER—That is just the sort of interruption one might expect. The hon. gentleman from Victoria, with whom I was dealing just now, did not say anything about people being put in their places. His tears were for the families of the people who had lost their employment. Now those clerks in the other case had lost employment; many of them had been ten or fifteen or twenty years in the public service, and had come to depend on that for a livelihood altogether, and, as the hon. member from Marshfield said about civil servants, had come to be unfitted for any other occupation; but the hon. gentleman from Victoria had no tears for those poor people. It just shows, after all, that the question is not whose ox is gored, but who does the goring.

Hon. Mr. MACDONALD (B.C.)—What part did the hon. gentleman take in those dismissals?

Hon. Mr. POWER—I do not remember that I took any part at all. I thought it was rather a summary thing.

Hon. Mr. MACDONALD (B.C.)—I think so. I quite agree with you.

Hon. Mr. POWER—I thought it was a summary proceeding.

Hon. Mr. FERGUSON—I think they had notice.

Hon. Mr. POWER—They had notice of a few days. We have an instance where the hon. member from Victoria and myself agreed in condemning the action of the late government. In 1895 a number of clerks were dismissed, and in that instance the first notice a man who was years in the public service received that his means of livelihood were cut off, was when he received his cheque. That was the first intimation he got that he was not required.

Hon. Sir MACKENZIE BOWELL—No such thing.

Hon. Mr. POWER—It was shown to be so.

Hon. Sir MACKENZIE BOWELL—That man was superannuated.

Hon. Mr. POWER—There may have been some superannuated, but those gentlemen were cut off in a very summary way. Now, coming down to business and looking at the thing from a more appropriate standpoint than that from which it has been dealt with by some hon. gentlemen during the past few days, I think it is a proper thing for this House to consider what system should be adopted in dealing with the civil service—that is, the civil service looked at from the party point of view. Hon. gentlemen, there are two systems, or there were two systems. One was the universal system in the United States from the time of President Jackson until the days, I think, of President Hayes, under which almost every government employé throughout the whole union lost his place when the president of a new party came in. Under that system the first duty of a civil servant was not to the country, but to the party who put him there, and if he did not energetically and vigorously work for the party, he was put out by his own friends at the expiration of the four years. The better class of people in the United States, the higher type of men, after a while came to the conclusion that that was a highly objectionable system and that, in the interests of the country, that system should be altered and that they should as far as practicable, follow the example of England. Since 1878 very great progress has been made in the United States in the way of bringing public servants under what is known as the civil service law, and I trust that before long the great bulk of those men, whose duties are of a permanent character at any rate, will be under that system. The doctrine that "to the victors belong the spoils," nearly all thinking people in Canada reprobate. No one in this House has been more emphatic in his reprobation of that system than the hon. gentleman who leads this House; and as far as I can learn, the hon. gentleman, during the many years he has been premier of his own province, has lived up to what he has preached, that the spoils system is highly objectionable. The English system is generally recognized as the best system. Now, hon.

gentlemen, what is the English system as it has existed for 40 years? It is, that practically there are no politics in the civil service at all. The English civil servant unlike our civil servant does not owe his position to politics. In England, a young man who wishes to enter the civil service presents himself, not at a qualifying examination, from the list of those who have passed which the government have to select men for office, but a competitive examination, where, if there are 100 men examined and there are five places to be filled, the five men who pass the best examinations, who stand at the top of the list are the men who are appointed. That system, which is now general, has been in operation in England in some of the departments for as much as forty years. We have not that system here. It is to be regretted that in 1882, when our Civil Service Act was amended, that system was not introduced here. Hon. gentlemen opposite had at that time, a reasonable number of their own friends in the service, and they might very properly then have opened the service to competition. I believe in the English system. My hon. friend who usually sits beside me, the hon. member for Victoria, (Mr. McInnes) thought that civil servants should not be allowed the franchise. In England the rule was, up to 1874 or thereabouts, that a very large proportion of the civil servants were deprived of the franchise, but those restrictions were taken away and, unless I am in error, all civil servants in England are now entitled to the franchise. The reason is a sound one and ought to commend itself to a gentleman who usually shows the good judgment of my hon. friend from Victoria. When the ballot system was introduced in England it was felt that the civil servants were protected, that the civil servant could then cast his vote and no one could be the wiser as to which way he voted, and that consequently he did not expose himself to the ill-will of either party by voting. As we have the ballot system in this country, I must say I could not go with my hon. friend in recommending that civil servants should be deprived of the right to vote.

Hon. Mr. McINNES (B.C.)—If you adopt the competitive system, I would be inclined to agree with you and say that the civil service might be allowed to vote, but until that system is introduced, I think, in the interest of the civil servants themselves, it would be much better to disfranchise them.

Hon. Mr. POWER—I suppose the case in favour of restriction is a little stronger in view of the fact that we have not competition?

Hon. Mr. McINNES (B.C.)—Certainly.

Hon. Mr. POWER—But as long as a civil servant can cast his vote and no one need not know how he votes, I am not shaken in my belief that it would be an unfair thing now to deprive the civil servants as a class of the right to vote. We have had very strong expressions of opinion from hon. gentlemen opposite with regard to the monstrous character of the proceedings of the goverment. I do not think that those hon. gentleman could have been serious—

Hon. Mr. MACDONALD (B.C.)—Quite serious.

Hon. Mr. POWER—I believe in the English system and I am prepared, with respect to this matter of the treatment of civil servants, to be guided by the English view. I turn to Todd on Parliamentary Government in England, first volume, page 630, to see what the view of English authorities is. Todd's book is recognized in England and all over the British Empire, as being in its own sphere about the highest authority. I turn to page 630, and perhaps it is better to read the whole passage. It is not necessary for my purpose, but perhaps it would be better to read it all. The passage reads as follows :

> But while every government must necessarily possess the abstract right of dismissing any of its servants who may hold their offices "during pleasure," whenever they consider that such a step is required by the exigencies of the public service, it has, nevertheless, been recognized as a rule that persons holding non-political offices under the Crown should only be dismissed for incompetence or misconduct. Dismissals on other grounds are highly objectionable and inexpedient, more especially if they spring from political considerations. Doubtless, an active interference in politics on the part of a non-politlcal office holder, would be a case of "misconduct" sufficient to justify his dismissal. It is a well understood rule of constitutional government, that all such functionaries "should abstain from taking an active part in political contests," observing a strict neutrality therein. If a contrary practice prevailed, it would inevitably follow that the opposite party, on succeeding to power, would retaliate on those who had assisted to uphold a rival ministry; and thus a repetition of vindictive and extensive changes amongst government employés would occur that would prevent the growth of experience in office, and destroy the efficiency of the public service.

Hon. gentlemen on the other side of the House, who maintain that there was no reason why a public servant should not go into the fray and speak on the platform and take a very active part in politics, must see that the view of the English authorities is against them. Then Mr. Todd gives a case where the Lord Chief Justice of England, who was a Liberal, declined to reappoint a Liberal to the position of revising barrister. It was understood that unless there was serious misconduct, in every case the incumbent of the office should be reappointed, but Sir Alexander Cockburn declined to reappoint a gentleman who had taken an active part in a political agitation.

Hon. Mr. PROWSE—I wish to call the hon. gentleman's attention to this fact, that the system in practice in England is not similar to ours. While it would be perfectly proper and consistent to dismiss an official in England for taking an active part in politics, we know that when dismissal takes place the position is filled by the competitive system. The new appointee is not taken from any particular party, but here when an official is dismissed a more active politician is put in his place.

Hon. Mr. POWER—There is no use drawing herrings across the trail. We are discussing now the cause for dismissal—not how the dismissed man is to be replaced. Then at page 632 the writer proceeds :

> While on the one hand the practice of depriving persons of subordinate offices simply on account of their political views is destructive of all efficient administration—as the example of the American Republic has strikingly shown—on the other hand, it is manifestly unreasonable that any public servant should be permitted to continue in active opposition to the existing government.
>
> Any connection of public officers with the press, which should lead to the improper use of official information, or which would disturb the confidential relations which ought to subsist between members of the civil service and their chiefs, is strictly prohibited.

And then Mr. Todd cites several authorities on that.

Hon. Mr. MACDONALD (B.C.)—In this case he took an active part the other way. It was not against the government.

Hon. Mr. POWER—On the next page Mr. Todd goes on :

> It is not easy to define the extent of misconduct of this description which should properly subject a permanent officer of the crown to dismissal. During a period of great political excitement the government may be constrained to act with more severity towards public servants who may take an active part in politics, than at ordinary times.

Then at page 635, Mr. Todd shows that the right of dismissal must be vested in the government in the public interest. He says :

> It has been proposed to limit the right by statute, but it has been thought best to leave it in the hands of the government.

Mr. Todd cites a Nova Scotian case. He cites the despatches of the Colonial Secretary, Earl Grey, to the Lieutenant-Governor of Nova Scotia in 1848 and 1860. I have seen the 1860 despatch in the Toronto *Globe*, but I could not find it in the Journals. However, I have found the 1848 despatch, and with the permission of the House, I shall read that. It shows what the view of a distinguished statesman on that subject was, looking on from a distance of two or three thousand miles. He was not personally interested and had not any party feelings in the matter, but looked at it purely as a statesman, and I refer hon. gentlemen to the journals of the Nova Scotia Assembly for 1849, Appendix No. 6.

Hon. Mr. MACDONALD (P.E.I.)—Before responsible government.

Hon. Mr. POWER—Oh no, the first election under responsible government was run in 1847 or 1848, and this was one of the things that came up as a result of the action of the new executive council under responsible government. The new government had complained that some of the officers voted against them, and here is what Earl Grey says :

> I have to observe that I am aware of no remedy against what is termed "the concealed hostility" of persons holding permanent offices to an administration opposed to that to which they may have been indebted for their appointments.

That is just the case before the House now.

Hon. Sir MACKENZIE BOWELL—No, it is not.

Hon. Mr. KIRCHHOFFER—Quite the contrary.

Hon. Mr. MACDONALD (B.C.)—There was no Liberal Government then.

Hon. Mr. POWER—There was a Liberal government in power, and the Conservative government had gone out of office. The Liberals had taken their places and the Liberals complained that the employés of the offices were hostile to them, and apparently they spoke of concealed hostility. I shall read the whole passage:

With respect to the complaint urged by the executive council that the existing administration has to encounter the active or concealed hostility of many persons holding official employments, and that one head of a department at least voted against the return of the attorney general and provincial secretary to the assembly, I have to observe that I am aware of no remedy against what is termed "the concealed hostility" of persons holding permanent offices to an administration opposed to that to which they may have been indebted for their appointments.

It is impossible but that such persons should, like all others, have their personal political feelings, and it is not unnatural that they should desire the advancement of the party to power, to whom they are thus indebted, but these persons must be aware that the condition upon which they will be suffered to enjoy exemption from dismissal for any other cause but that of positive misconduct, will be that they should abstain from taking any active part in political contests.

Hon. Mr. MACDONALD (B.C.)—That is not analogous. When the elections took place they were not in power and therefore they were not opposed to them.

Hon. Mr. POWER—I think I had better go on with the quotation. It reads:

Such indeed is the well understood rule which prevails in this country, and I am of opinion that a similar rule should be enforced in Nova Scotia. In a smaller society of a colony, it is not unreasonable to expect that party disputes should run higher than in the larger and more settled society of the country; and it becomes the more necessary, therefore, that in the colonies neutrality in party contests should be observed on the part of holders of office not regarded as political. I should think it by no means unreasonable to make it known to such persons, that they would be expected to abstain from the exercise of their right of voting at elections against any memebr of the existing administration for the time being, inasmuch as they could not give such vote without forfeiting their neutral position in politics which is the condition of their permanent tenure of their respective offices. Perhaps it might not be unattended with advantage to enforce this rule by legislation, and to impose upon the holders of subordinate situations in the public service in Nova Scotia, the same disqualification from taking any part in elections to which all persons employed in the collection of the revenue are subjected by the law of this country.

Now that last suggestion of the colonial secretary of that day was due to the fact, I presume, that in those days there was open voting. Voting by ballot was unknown, and he recommended the disfranchisement of those officers because they could not vote without the way in which they voted becoming known.

Hon. Mr. LANDRY—Is the hon. gentleman aware that in 1845 civil servants in England had no right to vote?

Hon. Sir MACKENZIE BOWELL—I am aware they had not, as a rule, in England.

Hon. Mr. LANDRY—They had no right to vote in England in 1849.

Hon. Mr. POWER—I am not saying they had.

Hon. Sir MACKENZIE BOWELL—Then the rule would not apply.

Hon. Mr. POWER—Hon. gentlemen will see that the doctrine, which I think is sound doctrine, laid down by the colonial secretary, and the doctrine practised in England is more severe on the employés than the doctrine laid down here by the leader of this House and by the Minister of Railways in the other Chamber.

Hon. Mr. MACINNES (Burlington)—What year was that, may I ask?

Hon. Mr. POWER—The colonial secretary's despatch was in 1848.

Hon. Mr. MACINNES (Burlington)—The reform of the civil service did not take place at that day. The civil service of England was afterwards remodelled and reorganized under a commission.

Hon. Mr. POWER—That does not alter the position in the slightest degree. It is true that in 1854 they began the reform of the civil service in England, and in 1874, after the ballot law had been introduced, the disqualification from voting was removed; but I have given the principle which is laid down by the best English authorities; and, as I say, the principle and the practice laid down by the English authorities are more adverse to the employés than the doctrine laid down here by the leader of the House and by the members of the government in the other House.

And when one comes to consider it, what is the fact? As far as I am aware, there has not been a dismissal of a regular civil servant since the 23rd June. There have been certain men who were employed by the day who have ceased to be employed, but I am not aware that a single civil servant has yet been dismissed for political reasons, and we have a tremendous tempest in a tea-pot, for some object one cannot understand. While it is perfectly true that two wrongs do not make a right; if we establish the fact that hon. gentlemen opposite, when they were in power, adopted a very different rule from the one which they lay down now, the fact goes to discredit the new rule. It is quite true that is not a very strong argument, still when we find Satan rebuking sin we are not likely to be very much impressed by the lecture. Except the hon. leader of the opposition, who says he never dismissed any one from his department for political reasons, I have not heard any one, or even that hon. gentleman, express any regret or repentance for the things which had been done. It is all very well for that hon. gentleman to say that he never dismissed any one, but the hon. gentleman is responsible for his wicked partners. We have to deal with them, and he cannot escape responsibility by saying he never dismissed any officer in his particular department; and we have a perfect right to look at the practice of hon. gentlemen opposite, and not to listen to what they preach to us to-day.

Hon. Mr. BERNIER—Are you not pledged to do better?

Hon. Mr. POWER—Yes; we are pledged to do better.

Hon. Mr. LANDRY—Why don't you do better?

Hon. Sir MACKENZIE BOWELL—They go one better.

Hon. Mr. POWER—We have been doing better. There is no place, I suppose, where one would expect that there should be greater regard for political propriety than in connection with the Houses of Parliament. What do we find? There are hon. gentlemen here who remember the circumstances perfectly well. Some of them were members of the House of Commons at the time. At the close of the session of 1878, the late Mr. Patrick was clerk of the House of Commons, and the position of assistant clerk was filled by Mr. Piché. An election was held after the session of 1878, and when parliament reassembled in the winter of 1879, Mr. Patrick was still clerk of the House of Commons but Mr. Piché had disappeared.

Hon. Sir MACKENZIE BOWELL—What became of him?

Hon. Mr. POWER—Mr. Piché had been told he was not to come again, and Mr. Leprohon had been appointed assistant clerk in his place.

Hon. Sir MACKENZIE BOWELL—Was he dismissed?

Hon. Mr. POWER—Yes. I may say Mr. Leprohon, after a comparatively short service, and while in the full vigour of health, was superannuated to make way for the gentleman who now acts as clerk assistant of the House of Commons. You can imagine the feelings of the Liberal members of the House of Commons when they came back in 1879 and found this state of things. Imagine what the feelings of the Conservative members in the House would be if, when they came back here on the 19th August, they had found that our respected clerk had been decapitated and some other gentleman put in his place, or the Gentleman Usher of the Black Rod had ceased to usher, and some other gentleman had been appointed by the government to do the work instead. We can realize the enormity of the transaction in Mr. Piché's case when we consider what our feelings would be if the matter came home to ourselves. In connection with the session of 1879, I have found something which bears on the general question, which I think should prove interesting to the House. Mr. Speaker Anglin's year had not ended. No successor had been chosen, and Mr. Anglin had continued to discharge the duties of Speaker. Here is what an authority, whom I think the hon. leader of the opposition will recognize as a good authority, Sir John Macdonald, said on the matter, and said with the approval, apparently, of every Conservative follower. Speaking of Mr. Anglin he said:

A new election had taken place. He knew perfectly well from the complexion of the members returned that it was exceedingly unlikely that he would be nominated as the new Speaker, and that the responsibility would fall upon his successor,

who would be held accountable for all irregularities and for every farthing of expenditure.

Mr. Anglin had simply undertaken to fill some vacancies. He continues:

It was, therefore, highly inexpedient and unwise in the late Speaker to tie the hands of the new Speaker, to fetter him for five years with those appointments made between October and February, filling up every possible crevice and cranny in order to prevent him from exercising his discretion in the choice of his subordinates. It was a very unwise attempt at usurpation, a very unwise attempt to prevent the Speaker from exercising his discretion in the great responsibility of carrying on the affairs of the House. It was also questionable taste to deprive the present Speaker of the patronage to which he was entitled. The hon. gentleman knew his responsibility had ceased, and fallen upon other shoulders. Would it not have been wise or proper for the hon. gentleman to have left these matters to the present Speaker; to have left it to him to select his agents, subordinates and assistants?

If hon. gentlemen will apply the language which Sir John Macdonald used about Speaker Anglin to the late premier of this country, between the 23rd June and the time he resigned, it will be found that there is a striking lesson conveyed in that extract.

Hon. Sir MACKENZIE BOWELL—Does not the law regulate the duties applicable to the Speaker and the powers with which he is invested after the prorogation of the House when he had ceased to be Speaker and could no longer be Speaker unless he was elected by the House of Commons? The case is not analogous at all.

Hon. Mr. POWER—The hon. gentleman makes an assertion for which, so far as I am informed, there is no foundation.

Hon. Sir MACKENZIE BOWELL—I made no assertion. I asked the hon. gentleman if that was not the case.

Hon. Mr. POWER—As a matter of law, my impression is that the Speaker continued to be Speaker until his successor was appointed. His successor could not be appointed until the new House met.

Hon. Sir MACKENZIE BOWELL—Quite true, for some purposes.

Hon. Mr. POWER—Mr. Anglin continued to discharge the ordinary duties of his office.

Hon. Sir MACKENZIE BOWELL—That was not an ordinary duty.

Hon. Mr. POWER—Mr. Anglin contended it was, and stated that the chief clerk urged on him the necessity of filling some vacancies. However, there was no necessity for the 500 appointments that the late premier attempted to make before leaving office. On page 43 of Todd's Government in the British Colonies will be found the same doctrine which I quoted from his work on Parliamentary Government in England. There has been some discussion with respect to the inspectors of weights and measures. The facts of that case were briefly these: The original Weights and Measures Act was passed in 1873. The Act was amended in 1877. The amendments made by the Act of 1877 did not refer to the staff at all. As I understand, there were some 97 inspectors of weights and measures in office when the Act of 1879 was passed. I have the Act of 1877 here and I do not find that it in any way dealt with the staff, so that the law as to the staff remained the same from 1873, when hon. gentlemen opposite were in office, until 1879, when they were in office again. In 1879 the law was altered in a comparatively slight degree. The Act of 1879 was entitled An Act to amend and consolidate the Acts relating to Weights and Measures. It consolidated the Acts of 1873 and 1877, and made some few changes. The 36th section of the Act is almost identical with the corresponding section in the Act of 1873. It is as follows:

The Governor may, from time to time, appoint one or more inspectors of weights and measures for each province, and such number of assistants to each inspector as may, from time to time, be found necessary, and may from time to time, assign them inspection divisions, and their powers and duties shall be as defined by this Act, by the regulations made under it, and by instructions from the Minister of Inland Revenue; and may assign to each inspector or assistant so appointed such remuneration or salary, not exceeding what may have been voted by parliament, as may be deemed expedient; and may also allow to each such inspector or assistant such further sum as will suffice to meet his actual expenses in the performance of his official duties.

Substantially, that provision is the same as the provision in the original Act of 1873, but the government of that day took the extraordinary and unusual course, when they consolidated the laws relating to weights and measures, to take that section in its literal sense and proceed to make new appointments, holding that all the men ap-

pointed under the Act of 1873 had gone out of office. There were 97 of those inspectors. It was said in another place officially that under this Act the new government appointed 67 inspectors and deputy inspectors. Of the whole 67, only seven had been in office before; so that here were 90 poor civil servants summarily cast upon the world and the hon. leader of the opposition gave us a lesson in logic when he said the reason of that was that the government which, was in power from 1874 to 1878, had not given these men enough work to do. That was no reason for dismissing the men who, I presume, were quite anxious to work. We have the evidence of the hon. gentleman from Iberville in one case. He said that so far as his knowledge went, the officer was a good officer. My impression is, that the officer in Halifax was a man with whom no serious fault could be found. That was the way in which ninety civil servants were got rid of by the late administration. It throws a peculiar light on the statement made by the hon. gentleman from Marshfield. He said that the Liberal-Conservatives had not been indecent enough to openly avow that they were dismissing men for political reasons, and he seemed to claim that as a great virtue. It has been said that hypocrisy is the homage which vice renders to virtue; but I do not think as a rule hypocrisy is looked upon as an admirable thing, and this was a piece of political hypocrisy, consolidating the Weights and Measures Act for the purpose of getting rid of ninety Liberal employés, and substituting sixty Conservative employés for those so got rid of. It would have been better to have been open and manly about it and dismissed the men in a straightforward way, and not added falsehood and deceit to cruelty. We are dealing with what was done by our friends opposite, because I think it is a perfectly reasonable and fair thing to see how they interpreted the rule with respect to civil servants and to government employés. I should like to direct the attention of the leader of the opposition to one piece of literature in which he ought to have a special interest. I may be excused for referring to a past debate on the same subject, in which the hon. gentleman referred to the withdrawal of a license for the sale of postage stamps from a gentleman in Toronto. I said that the same thing had taken place in Halifax and I gave the names of the persons interested. I happen to have under my hand a document from the Post Office Department at Ottawa, dated the 23rd December, 1878. The hon. gentleman must remember that that was soon after the Conservative party came into power. This is from the secretary of the Post Office Department addressed to the vendor of postage stamps in the post office at Montreal. It is as follows:

POST OFFICE DEPARTMENT,
OTTAWA, 23rd Dec., 1878.

SIR,—I am instructed by the Postmaster General to inform you that the stand at present occupied by you in the Montreal post office must be vacated on or before the 14th January, 1879.

I am sir,
Your obedient servant,

WM. WHITE,
Secretary.

MR. E. PERRY,
Stamp Vendor,
Post Office, Montreal.

Hon. Sir MACKENZIE BOWELL—Was any cause given?

Hon. Mr. POWER—No cause was given. That is a case similar to the one mentioned yesterday. The hon. gentleman was himself a member of the government of that day.

Hon. Sir MACKENZIE BOWELL—Is that the whole of the letter?

Hon. Mr. POWER—Yes, that is the whole of the letter.

Hon. Sir MACKENZIE BOWELL—You might order the removal of the stamp vendor without dismissing the man.

Hon. Mr. POWER—That is too thin.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman's excessive politeness we will excuse under the circumstances, but I can tell him this, I did precisely the same thing in the city of Hamilton and in the city of Quebec with reference to brokers who had stands in the custom-houses, because they took up room and interfered with the business of the department. No interference was attempted with them as to their acting as brokers and doing business in the custom-house. Their stands were removed—this may be a similar case.

Hon. Mr. POWER—Not at all. The Deputy Postmaster General writes :

I am directed by the Postmaster General that the stand occupied by you in the Montreal post office must be vacated on or before the 7th January, 1879.

Hon. Sir MACKENZIE BOWELL—I do not wish to be impolite, but I can tell the hon. gentleman he does not know what he is talking about.

Hon. Mr. POWER—The hon. gentleman said something about politeness. I think he might apply his remarks to himself.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman is allowed to refer to the debate of yesterday, I shall ask the liberty to reply to him.

Hon. Mr. POWER—The hon. gentleman may reply as much as he pleases. Mr. Dixon, who was removed the other day, was appointed in 1878. We know that a gentleman in Halifax was removed after the change of government in 1878, and a Conservative appointed in his place; and here we have a letter from the secretary of the Post Office Department to a man who was selling stamps in the post office there, telling him that his stand must be vacated. There was a successor appointed, as I am informed by a member of the House. This was the practice of hon. gentlemen who are now so tender with respect to the feelings of persons who are not in accord with the political views of the present government. In the city of Halifax, practically every man who was not a member of the civil service, and who could be dispensed with, was dispensed with, and his place was taken by a good Conservative. And these things must be; we did not complain about them. Labourers who were employed by the day were not continued, and other labourers of more orthodox views were employed. The thing went a great deal further than that, for from Mr. Brydges down there was a pretty general cleaning out of the Intercolonial railway department, and, as I said on a previous occasion, in provincial politics the same thing took place. There was a change, caused by the local elections, which were run at the same time as the Dominion elections, and every one in the provincial buildings at Halifax who was supposed to be Liberal was dismissed. I may say for the gentleman who is now Minister of Finance, and his friends, that when they came back again they did not follow the bad example which had been set them, excepting in one or two cases to reinstate men who had been put out.

Hon. Mr. McKAY—Hear, hear.

Hon. Mr. POWER—The deputy secretary had been removed in 1878, and when the change took place in 1882 he was reinstated. The poor man who had been acting as janitor down stairs was put out in 1878, and he was reinstated in 1882. The Queen's printer, who had been appointed at a small salary, under the express understanding that he was not a political officer, was dismissed in 1878 and the Conservative, who was appointed to replace him, is still in office at Halifax. The first clerk in the provincial Secretary's office, who is a Conservative, has never been disturbed. I must say for the hon. gentleman who is now Minister of Finance that he made no inquiry as to the politics of officers about the building. Perhaps it would be well to turn one's attention somewhat to Prince Edward Island. That is the province where, apparently, the most atrocious acts have been perpetrated by the present administration, and no one wept more bitter tears over it than the hon. gentleman from Marshfield. He spoke of a number of persons who had been dismissed. I should like to ask the hon. gentleman if the great majority of those men were not simply day labourers employed on the railway and who had no tenure of office except from day to day.

Hon. Mr. FERGUSON—The majority were permanent, I think.

Hon. Mr. POWER—Did not the hon. gentleman keep a list of men from whom day labourers were selected?

Hon. Mr. FERGUSON—No.

Hon. Mr. POWER—If the hon. gentleman did not keep the list some one else did.

Hon. Mr. FERGUSON—What the hon. gentleman means, I presume, is that there was a list of temporary men as well as of permanent men, and those temporary men were taken on from year to year to do the temporary work, unless they were promoted to permanent positions.

Hon. Mr. POWER—And they were all good Conservatives.

Hon. Mr. FERGUSON—I do not know that.

Hon. Mr. POWER—The hon. gentleman has made a great ado about the removal of one or two trackmen.

Hon. Mr. FERGUSON—One or two!

Hon. Mr. POWER—Well, there may have been more. The hon. gentleman, I presume, was acquainted with Mr. McEachren, who was superintendent of the railroad in 1878. Did not the hon. gentleman know him?

Hon. Mr. PROWSE—Yes, and a violent partisan; he was very demonstrative.

Hon. Mr. POWER—He was dismissed, at any rate, after the change of government. There was Mr. F. H. Brown, who was superintendent of stores on the railway.

Hon. Mr. PROWSE—He was worse.

Hon. Mr. POWER—Well, he was dismissed. I presume that the places of these gentlemen were not filled by other Liberals. Then, Mr. Cunningham, chief engineer of the road, was also dismissed. Was Mr. Cunningham also a bitter partisan?

Hon. Mr. FERGUSON—Does the hon. gentleman want answers to these questions?

Hon. Mr. POWER—Yes.

Hon. Mr. FERGUSON—He asks about Mr. Cunningham. In that case the office of engineer was done away with altogether, and no successor was appointed. Mr. McNab was appointed as superintendent of the road. He was an engineer himself, and was appointed, I think, at a smaller salary than Mr. McEachern had received for one branch of it.

Hon. Mr. MACDONALD (B.C.)—That was long ago.

Hon. Mr. POWER—I can understand that the hon. gentleman from Victoria would not care to hear about ancient history, although it is only going back to 1884.

Hon. Mr. MACDONALD (B.C.)—I am very fond of ancient history.

Hon. Mr. POWER—They had a list in 1878, and I am informed on credible authority—by the best authority—that the old list was changed immediately after the change of government, and I have no doubt all the men employed afterwards were not of the same politics as those who had been employed before. There was a new list submitted to the chief superintendent, from which those employés were afterwards appointed. Then, I presume the hon. gentleman from Marshfield was acquainted with Captain Williams, of the steam dredge. He had a salary of $900 or $1,000 a year. He was summarily dismissed without any investigation. William Mitchell, agent of the Marine Department, was, not long ago, after a secret inquiry and on some trivial charge, summarily dismissed from office.

Hon. Mr. MACDONALD (B.C.)—Is this an argument of a plea of justification?

Hon. Mr. POWER—It is not a plea of justification. I have shown what the law and the practice in England are. I am showing now that the practice of hon. gentlemen opposite was not what they preach to-day, but was a practice more unfavourable to the employés than the English practice. These hon. gentlemen cannot expect us to take their statements, made when they are out of office, as to the proper doctrine, and substitute them for the doctrines they practised during their eighteen years of office. It is the case of the devil getting sick.

When the devil was sick, the devil a monk would be,
But when the devil got well, the devil a monk was he.

My hon. friend is very merciful and charitable now, but he was very different when the late government was in power.

Hon. Mr. MACDONALD (B.C.)—The first part of the hon. gentleman's speech was very entertaining, moderate and good; the latter part is very different.

Hon. Mr. POWER—I do not wish the hon. gentleman's compliments.

Hon. Mr. MACDONALD (B.C.)—We are not trying the old government. We are trying the present government.

Hon. Mr. POWER—I think probably the hon. gentleman from Murray Harbour will remember that two or three years ago

two section foremen in Prince county were summarily dismissed, without notice or examination, on the false suspicion that they had been active in local politics.

Hon. Mr. FERGUSON—The hon. gentleman is entirely wrong. In these cases there were investigations.

Hon. Mr. POWER—The authority on which I speak is quite as good as the hon. gentleman.

Hon. Mr. LANDRY—Give us the name.

Hon. Mr. POWER—I am not laying the document on the table. It is not a communication to a member of the government, and I do not think it necessary to give the informant. If I gave the name it would be recognized at once as good authority. I think it only right to state that my information is that up to the present time only one section foreman, a man named Bradley, has been dismissed, and that he has been dismissed for violent and offensive partisanship. The other section labourers were dismissed mostly for being active partisans.

Hon. Mr. MACDONALD (P.E.I.)—Is that in Prince Edward Island?

Hon. Mr. POWER—Yes; in Prince Edward Island. There is just one other authority which I think I might read. It is a letter from the present leader of the opposition in another place, dated April 7th, 1893, and headed Department of Railways. It is as follows:

> My Dear Sir,—In reply to your letters of the 17th November and the 9th February on the subject of the dismissal of your son from the service of the Intercolonial Railway, I have to state that the reason for his dismissal was that he openly took a very active part in opposition to the Government at the last election. This, as you will readily understand, no Government officer can be permitted to do, and your son's action was so conspicuous that it could not be passed over.
>
> Yours faithfully,
>
> CHARLES TUPPER.

It is addressed to James Ryan, Esq., Moncton. The Ryan who was dismissed was only a lad of seventeen or eighteen. This was one of the old constituents of the hon. gentleman from Hopewell. I do not propose to say very much more.

Hon. GENTLEMEN—Hear, hear.

Hon. Mr. POWER.—I can readily understand that what I have been saying is very unpleasant to hon. gentlemen. I wish to say this: I abhor the spoils system. I hope the time is coming when it will be here as it is in England, when, except the heads of departments, no one will suffer or gain from a change of government. But we are some distance from that yet. I think the principles governing the civil service ought to extend to the officers of the government railways, and we have to introduce the system of competitive examinations so as to keep politics out of the service from the beginning.

Hon. Mr. PROWSE—Why not introduce it now? You are in power.

Hon. Mr. POWER—That is just like the hon. gentlemen opposite. When they have got the service crammed with their own followers they say, now make a change. We must wait until we have a reasonable number of our friends in, and start then. That is common sense.

Hon. Mr. McINNES (B.C.)—And common fair play.

Hon. Mr. POWER—As I say, there has been great cry and little wool. We have had tears, wailings and declamations of all sorts, and all about dispensing with the services of a few temporary workmen. In 1878, when the Conservatives had been in power as long as the Liberals are in power now, there had been hundreds and hundreds of dismissals, but, as I said before, we took our medicine quietly. The people who are beaten have to accept the situation. They cannot be beaten and enjoy the fruits of victory at the same time; and, as far as I am aware, there is not the slightest intention or disposition on the part of the leaders of the Liberal party to go into any wholesale dismissal of officials. And the doctrine laid down by the leader of this House and by the leaders in the other House is a fair and reasonable doctrine, and does not go even as far in punishing civil servants who meddle in politics as would be done in England. I regret, hon. gentlemen, that I should have spoken at such length; but there has been a great deal of talk on the other side, a very large proportion of which was irrelevant, and a great deal of which was without foundation.

Hon. Mr. McMILLAN—The hon. gentleman from Hopewell was very unfortunate in the introduction of his motion to the House to-day, unless he wanted to have the last word. From the discussion which has taken place on it, he succeeded in having this country made aware of the fact that, as far as this one is concerned, as well as the other motions or resolutions or notices on the paper in connection with dismissals, that his party and his friends got the worse of it.

Hon. Mr. McCLELAN—The motion of my hon. friend from Marshfield was after this.

Hon. Mr. McMILLAN—I am speaking of yours.

Hon. Mr. McCLELAN—Mine was not the last motion.

Hon. Mr. McMILLAN—I have no doubt, if the hon. gentleman had looked over the pages of parliamentary history for the last eighteen years, he could have succeeded in finding a great many more dismissals than he furnished this House with. I must say, so far as the cases he presented to the House were concerned, that his arguments were very futile and far from convincing the House that these gentlemen had been dealt with unfairly. What we had found, was that with the Conservative party when in power, no dismissals could be made or would be made at the request of some of their best supporters all over the Dominion. This was really a fault that a great many of their own friends had against them at the time. I know that in my own county postmasters had taken the stump, were strong and violent partizans, and had done much active service in the interest of the Liberals against the Conservative government during the last elections.

Hon. Mr. POWER—The hon. gentleman does not call the postmasters in small towns civil servants.

Hon. Sir MACKENZIE BOWELL—Oh, yes, they are.

Hon. Mr. McMILLAN—They hold offices under the government, and I know gentlemen who are postmasters, who are perhaps the strongest supporters of the Reform party in our county, were active workers in 1878 yet the Conservative government when they got in power never interfered with them, never took any notice of them, though we are aware to-day that there is a determination to dismiss certain postmasters who took very little part indeed in the last election. I will not mention the names, because I do not want to prejudice their cases. The employés of the Ontario government, from the highest official to the lowest, are most active, and I do not think it comes very well from the late premier of Ontario to tell us that he is not in favour of the system "to the victors belong the spoils," when he, while in power in Toronto, tolerated these men and allowed them to act as strong partizans, electioneering and canvassing in every constituency in the province. If the Conservative party get into power, and act with them as they are to-day doing with our our men for interfering at elections, can he complain? We have evidence of the fact that they have used their position as employés of the Ontario government threatened those who were under them in order to get them to vote for the Liberal party, yet it is considered all right, and reminds one of the old saying: "It makes a great difference whose ox is gored." I could, perhaps, relate another little bit of history which the hon. gentleman from Hopewell has forced me to give to the House. I refrained from giving it yesterday, because I was in hopes this discussion had stopped. I ran an election in 1876 in the county of Glengarry. Every employé in the civil service in the city of Ottawa, perhaps six or eight from Glengarry, were allowed two or three weeks' leave of absence to go there in order to do what they could for the Liberal candidate. They had their fares paid there and back, and were told to remain in the county until after the election was over. One man, who was a mail conductor from Richmond to Island Pond, was sent forth and got his two or three weeks leave of absence. He came to the county, and when he found that I was the nominee who was opposed to the Liberal candidate, he openly stated that he would not take any active part against me, for personal as well as professional favours which I had rendered him. What happened to this young man? In order to strike ter-

ror into the others, and for fear there might be a revolt among them, he was, in a few days, told civilly and quietly, by an official notification from the Post Office Department, that his services were not required any longer and the consequence was, of course, he was dismissed. Now, that is a glaring case where officials were turned loose upon a constituency at the expense of the country. Their salaries were going on the whole time. I never made any attempt to have them dismissed, and I am not aware to this day that one of them ever was dismissed. I think they are all, if they are living, in the public service to this day.

Hon. Mr. MACDONALD (B.C.)—Except the one who was dismissed.

Hon. Mr. McMILLAN—Except the one who was dismissed. I do not think it becomes these gentlemen very well to censure the Conservative party, and to say that they were active in dismissing officials who took too active a part in election contests. I am giving this instance in my own county as it came under my own observation. I think there is as much politics to the square acre in Glengarry as you can find anywhere in the Dominion of Canada, yet I never knew one case where a man was dismissed, or interfered with, because he had taken part in an election contest by the Conservative government, though we continually had to fight postmasters who are active, strong Liberals and also the employés of the Ontario government. The latter are violent, they are determined, and more than that, they have power, and they do not hesitate in using the power they possess in favour of the Liberal candidates. As to the authorities that my hon. friend from Halifax quoted, I do not think they can be applied at all, because the charges of the hon. gentleman from Marshfield were that sixty or seventy men, day labourers, have been dismissed. If they were men who held positions in the civil service that were dismissed, I could understand the application of the hon. gentleman's authority, but it does not apply at all to these cases, and as far as Prince Edward Island is concerned, he has not been successful in even the cases he mentioned, except in one or two.

Hon. Mr. POWER—All the men I mentioned were dismissed.

Hon. Mr. McMILLAN—They were dismissed for cause.

Hon. Mr. POWER—For being violent partizans.

Hon. Mr. McMILLAN—Supposing that to be the reason. I am saying that, as far as my knowledge goes, in my own county strong partizans, and those who had actually been let loose by the government upon the country in order to help the Liberal candidate had not been dismissed. I want to put this on record, because so much has been said as to the conduct of the late government I want to have it on record that what we complained of while we were in power was that we could not get the government to dismiss parties who were actually guilty of the charges that are now claimed to be sufficient to warrant the government in dismissing officials in their employ.

The motion was agreed to.

PRINTING AND ADVERTISING OF PRIVATE BILLS.

INQUIRY.

The Order of the Day having been called:—

By the Hon. Mr. Macdonald (Victoria)—That he will ask if the government will have a resolution passed by parliament, enabling it to resume, next session, the consideration of Private Bills which have been dropped this session, at the stage they had then reached, so as to avoid the double cost of printing, and advertising notices of application?

Hon. Mr. SCOTT—I think the answer was given to Hon. Mr. Macdonald by the Minister before six o'clock. The answer was, that although the members of this House seemed to be willing, there had been an expression of opinion in the other chamber that they were opposed to the introduction of such a resolution and that in the opinion of some gentlemen it would require an act of parliament to do it.

Hon. Sir MACKENZIE BOWELL—The leader of the House made the full explanation before recess. I have been refreshing my memory since, and I remember a somewhat similar case having arisen during the time Sir John Macdonald was premier. He laid down the same principle that Mr. Laurier did in the House of Commons the other day, that the suggestions made in this motion could not be carried out except by special legislation.

OMISSION IN THE MINUTES.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I desire to draw the attention of the House to an omission in the minutes of this House. At page 154 it reads :—

The question being put on the main motion.

The Hon. Sir Mackenzie Bowell, in amendment moved, seconded by the Hon. Mr. Ferguson

That the said report be not now adopted, but that the words " His Honour the Speaker and " be struck out of the second paragraph of said report.

The question of concurrence being put thereon the same was resolved in the affirmative.

The question of concurrence being again put on the main motion,

The Hon. Sir Mackenzie Bowell, in amendment moved, seconded by the Hon. Mr. Ferguson that the said report be not now adopted, but that it be further amended as follows :—

That the 5th paragraph be struck ont and the following inserted therefor :

That the sale of wine or other beverages to any one not a senator be strictly prohibited.

The question of concurrence being put on the amendment to further amend the report, the House divided and the names being called for they were taken down as follows :

Then it gives the names, and the motion was resolved in the affirmative. While this was taking place, if I remember well, a question of order was raised and the ruling of the Chair asked. The ruling of the Chair was given, but nothing of that appears in the journal of the House.

Hon. Mr. McINNES (B.C.)—That would not be in the Journals ; it would be in the Debates.

Hon. Mr. LANDRY—Perhaps the lecture my hon. friend wishes to give me will not stand good when I give the hon. member my precedents. I take the Journals of the House in 1891, and I find

The Hon. Mr. Bellerose, on the 6th July, moved in amendment to the amendment, seconded by the Hon. Mr. Masson, that the 10th clause of the said bill be struck out.

Upon a question of order being raised, the Speaker ruled that the said amendment was irrelevant and out of order.

In another case in 1892 I find in the Minutes the following :

Hon. Mr. Clemow moved, seconded by Mr. McInnes, that the said bill as now amended be read a third time, and Mr. Power moved in amendment, seconded by Mr. Lewin, that the said bill be not now read the third time, but that it be amended by striking out all the words from the word " Metcalfe," in line 30, and inserting instead thereof the following words : that is to say, from McKay street to Cathcart street. The question of order being raised thereon, His Honour the Speaker ruled the amendment out of order.

I have, in the volume of 1887, four precedents where the question of order was raised, decided and the decision put on record in the Journals.

Hon. Mr. McINNES (B.C.)—Were they not all given on bills and not on reports of committees ?

Hon. Mr. LANDRY—Here is a question of order raised on a petition :

The Order of the Day being read for reading the petition of Daniel Shantz and others, of the village of Huntingdon in the province of Quebec, praying the Senate to hear and determine upon the property qualification of the Hon. François Xavier Trudel.

The question of order being raised, namely, that the petition did not bear the signature of the men who presented it and therefore could not be received.

His Honour ruled the point of order was not well taken and his decision his reported in the Journals of the Senate. Such a practice has always been followed in this House: I claim it is right, as a record of the proceedings which took place in the House yesterday, that the question of order which was put to the Chair and ruled upon should be inserted in the Minutes of Proceedings of this House. The question I raised was that the Hon. Sir Mackenzie Bowell had no right to move his amendment because he had already spoken on the subject, and already moved a prior amendment. That appeared in the Minutes of the Proceedings of the House of Commons. On this question Speaker Brand of the House of Commons in England says :

A member who has spoken without moving his amendment cannot move that amendment subsequently, but must place it in the hands of another member.

Another paragraph reads :

A member who has spoken to an amendment cannot at a subsequent stage move an other mendment.

That was my point of order. The Chair has given another ruling, and I wish it inserted in the Minutes of the House so that we can consult it in the future.

Hon. Sir MACKENZIE BOWELL—As to the point of order, the practice pointed

out by my hon. friend as to the records of these proceedings, I think is quite correct; but, in making the record, if it is to be of any value at all, it should give the reasons why the Speaker has given the decision; otherwise it is utterly useless. With regard to the point taken by my hon. friend in reference to myself, it would be strictly in order if his statement were correct. It is true that I made a motion in amendment to the report, which was carried by the House. I then, after that motion had been carried, and you, sir, having put the main motion for the adoption of the report to the House for concurrence as amended, I moved another amendment to which my hon. friend took exception. That is not precluded by the decisions which the hon. gentleman has read. After having made my motion, and it not having been put as was laid down in the book, I would have no right to rise again to either speak to the motion or move it. I would then have to do just what the book lays down and hand it to one of my colleagues near me. Bourinot and the other authorities lay down this principle, and they go further, they say that if any member of the House of Commons moves an amendment even without saying one word, he is precluded from speaking afterward, on the ground that the fact of his having occupied the floor and presented his motion to the Chair precludes him from further speaking on the question. The position I was in was not at all analogous to the point of order taken by my hon. friend from Montmagny, because after the motion was carried, I had a perfect right to make any further motion affecting another part of the report, and if that motion had been defeated, I could then make another motion provided I changed a single word to make it different. If that motion was also defeated I could go on till doomsday making motions in amendment under the rules of the House, and I venture to say that no authority can be found either in Todd, May or Bourinot, or that you will find a speaker, who will rule contrary to the principle I lay down.

Hon. Mr. McKAY—The point is whether the question of order should be in the Minutes, and not as to the ruling on that question.

Hon. Sir MACKENZIE BOWELL—But the hon. gentleman discussed it and I had to answer him.

Hon. Mr. MACDONALD (B.C.)—According to this rule my hon. friend from Stadacona is quite right. The hon. leader of the Opposition made a speech, and then an amendment was moved after by the hon. member from Wolseley, and then the hon. leader of the Opposition moved an amendment, and after further speaking he moved another amendment. An authority on this subject says:

> A member who has spoken without moving an amendment cannot move that amendment subsequently, but must place it in the hands of some other member.

The hon. member spoke and did not move his amendment, and after the motion was put and lost, he moved his amendment.

Hon. Sir MACKENZIE BOWELL—I moved another amendment then. My hon. friend is in error: I rose and spoke and made my motion. My hon. friend from Wolseley offered an amendment to the amendment. I had a perfect right to speak to that amendment as long as I pleased, because that was a new motion before the chair. The motion of the hon. gentleman from Wolseley was put to the House and lost, and my motion was put and carried. After that I moved another amendment which was strictly in order.

Hon. Mr. LANDRY—I cite this authority:

> The hon. member having moved an amendment in the form of a certain resolution on the question that this House at its rising will adjourn, &c., and having spoken cannot reply nor move another amendment.

Hon. Sir MACKENZIE BOWELL—That is quite true.

Hon. Mr. LANDRY—The authority continues:

> Mr. Cobden moved certain resolutions after the debate, when the Speaker reminded Mr. Cobden that he had already spoken and Mr. Cobden said? I shall put myself in order by moving an amendment.
>
> THE SPEAKER—The hon. gentleman has moved an amendment and cannot move another.

But I accept the ruling of the Chair, and I did not intend to discuss that question at all, but I rose to a point of order. I did think, however, that the ruling of Speaker

Brand would justify me in raising the question of order. But the ruling of the Chair having been given, why not insert that ruling in the Minutes of our deliberations.

Hon Sir MACKENZIE BOWELL—You might go further. A gentleman who has spoken on an amendment has no right to move the adjournment of this House.

THIRD READING.

Bill (21) "An Act to incorporate the Columbia Telephone and Telegraph Co."—(Mr. McInnes, B.C.)

The Senate adjourned.

THE SENATE.

Ottawa, Friday, 2nd October, 1896.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE MATHER BRIDGE AND POWER COMPANY'S BILL.

THIRD READING.

Hon. Mr. MILLER, from the Committee on Railways, Telegraphs and Harbours, reported Bill (14) "An Act to incorporate the Mather Bridge and Power Company."

Hon. Mr. McCALLUM moved the suspension of the 70th Rule so far as it relates to this bill.

Hon. Mr. BOULTON—Before the bill receives its third reading, I should like to draw the attention of hon. gentlemen to what this bill purports to be. It is a bill for the purpose of utilizing the water power of the Niagara Falls, an exceedingly worthy object.

Hon. Mr. McCALLUM—No, Lake Erie.

Hon. Mr. BOULTON—It is on Lake Erie. This is dealing with a very large subject indeed. We have one of the finest water powers in the world, I suppose, for industrial enterprise, in the power that can be developed as this bill proposes to do. In the committee this morning the gentleman who was promoting the bill on behalf of the promoters there, said its object was for the purpose of constructing a bridge over the Niagara River and conveying the power generated by this company to the city of Buffalo and elsewhere. It just struck me that it was one of those cases in which it was desirable for us to guard, in the development of water power in any part of the country the rights of the neighbouring public. The value of this water power is immense for the purpose of developing industry and being utilized for Canadian enterprise and Canadian industry. Where the water power is so exceedingly large, it can be conveyed a great distance. I do not rise for the purpose of opposing the bill, but to draw attention to the fact that it is desirable that due care should be taken that the power should be divided equally between the one side and the other, so that Canadian enterprises can receive the benefit. Electricity now-a-days can be developed very economically by water power, and Canadian enterprise should have the full benefit of that which nature has given to us as part of our inheritance. Clause 15 of this bill reads as follows:

> The privileges hereby conferred and the lawful use and enjoyment thereof shall always be subject to such conditions as the Governor in Council may from time to time impose, including among others the payment of an annual rental or percentage of gross receipts for such privileges.

Probably that clause safeguards the position I am now presenting hon. gentlemen, and the object of referring to it at the third reading of the bill, before it becomes law, is to express my view, at any rate, that when the government come to deal with a bill whose principal object is the development of this great power, it is desirable, in the interests of Canada, that the government should exercise their control.

Hon. Mr. McCALLUM—I believe this bill has the usual clause, as far as toll is

concerned, that is to be found in any bill of the kind that has ever passed parliament. As for the motive power, we have got Lake Erie for a mill pond, and if anybody understands that, he will know that you do not dam back the water at all, because if they succeed in their enterprise, they can use the water power at one point, and go 100 feet lower down and use the same power again. The government of the country is not likely to charge a company anything that is putting up buildings and spending a lot of money in Canada. I hope the company will succeed with this work, because it is very much wanted, connection from Fort Erie to the city of Buffalo, and if they choose to give electricity to Buffalo for electric lighting and the money is spent in Canada, I cannot see anything objectionable in that. It is not for the benefit of Buffalo alone; they may take electricity to Toronto, Hamilton, and other places in Canada. That is the object of the bill, and I hope the House will allow it to go through.

The motion was agreed to, and the bill was read the third time and passed.

HULL ELECTRIC RAILWAY COMPANY'S BILL.

BILL WITHDRAWN.

Hon. Mr. MILLER, from the Committee on Railways, Telegraphs and Harbours, reported Bill (20) "An Act respecting the Hull Electric Company," with amendments. He said: The amendments to this bill are very important, in fact very vital, as they almost amend the bill out of existence. The company ask, in clause two, to extend their railway over the Union Bridge into Ottawa; the committee has stricken out that clause and denied them that permission. Clause two is also stricken out in consequence of the striking out of clause one. In the latter part of clause three, from the word "upon," everything is stricken out, in accordance with the previous amendment. Clause four is also stricken out. The first part of clause three and clause five have relation to the confirmation of the agreement entered into between the Canadian Pacific Railway and this railway. That, in fact, is the only portion of this bill which the committee has reported to the House. There was a question as to an amendment made in the House of Commons, which required to be reported on under our rule, as it was not in the notice given of the application for the bill, and which, under the 65th rule of this House, required to be reported at all stages.

Hon. Sir MACKENZIE BOWELL—The bill has been so emasculated in committee that the promoters of it have come to the conclusion it will be of no use to them, and therefore they desire to drop it. I ask leave of the House to withdraw the bill. Then, there will be no necessity of delaying the consideration of it until to-morrow, or the suspension of the rules for consideration of it to-day.

The bill was withdrawn.

Hon. Mr. SCOTT—Do you propose to have the fees remitted?

Hon. Sir MACKENZIE BOWELL—We have nothing to do with the fees. If the House of Commons choose to remit the fees, we will not object.

THE IMPROVEMENT OF THE CAPITAL.

INQUIRY.

Hon. Mr. CLEMOW rose to

Call the attention of the leader of the Senate to the statement made by the Honourable the Premier of Canada in a speech delivered by him in the city of Ottawa, on the 5th day of August last, as reported in *Free Press* of the 6th August, 1896, as follows:—

No people can ever be a great nation unless it has an Art and Literature of its own. It shall be our endeavour to encourage literature, art and science, and to make Ottawa the seat of art, learning and letters in the Dominion of Canada. I have not forgotten what I said about making Ottawa the Washington of the North and I intend as much as I can to live by what I have said.

And inquire of the leader whether it is the intention of the Government to carry out the promises made by the Premier in the extract above quoted; and when?

He said:—The question which I have the honour to submit differs from those which we have been listening to for some days past. It is not condemnatory of the government, but rather laudatory. It is certainly very pleasing for me, representing the city of Ottawa, to be able to express an opinion in favour of the remarks made by the hon. premier in the city of Ottawa on the 6th of August last. No one can deny the im-

portance of this city, being the capital of the Dominion, a Dominion which I hope will in time be as great, as it is large in extent—and it is very gratifying that the premier of this country intends to improve it and to make it the Washington of the North. At the time of confederation, Sir John A. Macdonald was very desirous of having a territory formed here similar to the district of Columbia, and I think he did propound, at one time, a scheme under which the city of Ottawa and the city of Hull should be erected into such a territory. You all know how important it is to have a capital of which the country will be proud, and certainly it will be gratifying to the people of Ottawa, as well as the country generally, if the premier is able to carry out his promise and make the city what it should be. We have a splendid site for the seat of government. Had it not been for that, we would be, as we were when Ottawa was selected as the seat of government, without influence and without power, when we could not even convince the government of the necessity of building the Ottawa Canal. Now we have all the requirements to make Ottawa a grand city, which will be a source of pride to the people of Canada generally.

Hon. Sir OLIVER MOWAT—I have great pleasure in answering the question of my hon. friend from Rideau. As to the city becoming the "Washington of the North," I hope that it may become all that is implied in that expression; and this hope every member of the government shares. Ottawa is already the "Washington of the North" as being the capital of the Dominion of Canada, as Washington is the capital of the United States of America; and is in advance of Washington as regards salubrity of situation and climate, and in some other respects. On the other hand, it is not equal to Washington as regards grand public buildings and palatial residences, or in population or wealth, but Washington has been the national capital for more than one hundred years; while a period of thirty years only has passed since Ottawa became the capital of the former province of Canada, and twenty-nine years only since it became the capital of the Dominion. When Washington had for a much longer period—forty-nine years—been the capital of the United States, it was described as "a large straggling village reared in a drained swamp." Ottawa has not been reared on a drained swamp, and in its short life as Canada's capital has already got far beyond the condition of a straggling village, and has become an important and attractive city of 50,000 busy people. When it has been Canada's capital as long as Washington has been that of the United States, loyal Canadians may hope, and not without reason, that it will be as great as Washington has now become, and amongst other attractions may possess the advantages belonging to a national seat of arts, learning and letters. Whatever this government can properly and reasonably do towards the realization of this patriotic aspiration, having regard to other demands on the part of this great Dominion, the government will be glad to do, and thereby to carry out to the full the spirit of our honoured premier's patriotic promises. But as to when the consummation desired by this city will be reached, I am afraid that it is impossible to further assure my hon. friend.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman from Rideau should have that engrossed and put in a frame and give it to the city of Ottawa as a present.

Hon. Sir MACKENZIE BOWELL—I think, after listening to that answer, my hon. friend must have been reading very carefully and studying Artemus Ward's lecture on sarcasm.

Hon. Mr. DICKEY—With the leave of my hon. friend, the leader of the Senate, I should like to ask him whether the government intend to change the name of Ottawa to that of "North Washington"?

Hon. Sir OLIVER MOWAT—The name of Ottawa is so much more beautiful than the other name which my hon. friend suggests, that I am determined to oppose any such change.

Hon. Mr. BOULTON—I must say I am in sympathy with the effort my hon. friend from Ottawa has put forth on behalf of this city, and I think we can all recognize with the greatest pleasure and pride that for natural beauty and scenery it is hardly to be surpassed by any other capital.

Hon. Sir MACKENZIE BOWELL—It "busts" Washington altogether.

Hon. Mr. BOULTON—The covert idea in my hon. friend's mind is trying to elicit from the remarks made by the premier, that we should have the same useful organization and that certain districts should be set apart in the capital here in the same way that has been done in the city of Washington. The city of Washington is the centre of the District of Columbia, which is perfectly independent of the whole of the United States. It is an imperio, if I may so express myself, and I think it has been very wisely made so. We certainly have one lesson to draw from the United States, and that is the warm patriotism that they display. I do not say that we lack patriotism, but there are various stages of life which induce that patriotism which, I say, is the foundation of the national liberty of any people. If the hon. premier and my hon. friend from the city of Ottawa have both in their minds the beautifying and the uniting of the city of Hull with the city of Ottawa, which shows the cementing of the friendship between the province of Quebec and the province of Ontario, which was begun in 1841, which has been the basis for the cementing together of all the provinces of Canada from the Atlantic to the Pacific, I say if that early consummation could be promoted by adopting some such system as the formation of a small district representative of Canadian institutions, where art and literature and everything else can be centralized, it would be of great advantage to the people of Canada.

Hon. Mr. MACDONALD (B.C.)—When we get free sugar it will be all right.

NORTH-WEST EXHIBITION.

INQUIRY.

Hon. Mr. PERLEY inquired of the leader of the government in the Senate,

If they intend to pay the accounts, or any portion of them, due against the North-west Territories Exhibition held at Regina in the summer of 1895?

He said: In asking the question I have put on the paper I do not propose to make any extended remarks, and the few I may make will entirely depend upon the character of the answer I receive.

Hon. Sir OLIVER MOWAT—No item for this purpose has been put in the estimates, but the government recognize the matter as a fair one for inquiry, and the government are now making it a matter of inquiry with a view of doing justice in the case.

Hon. Mr. PERLEY—The answer is quite satisfactory.

THE MANITOBA SCHOOL QUESTION.

INQUIRY.

Hon. Mr. BERNIER inquired:

1. Whether any definite arrangement has been made, or agreement entered into, between the government of the Dominion of Canada and the Manitoba government, by which a settlement of the school question has or can be effected?

2. Whether in the negotiations having in view a settlement of the school question in Manitoba the minority, whose educational interests would be affected, were in any way consulted?

3. Whether such agreement, if any exists, has the approval of such minority, or of some parties connected with the same, or pretending to speak on their behalf; and if so, who are the parties approving such agreement?

Hon. Sir OLIVER MOWAT—No definite arrangement has yet been made, or agreement entered into, between the government of the Dominion of Canada and the Manitoba government, by which a settlement of the school question is effected.

In answer to the second question I may say that negotiations are still pending, and the rights of the minority are receiving attention.

In answer to the third question, as no agreement has yet been come to, there has been no agreement to approve of, by either the minority or the majority.

Hon. Mr. BERNIER—It seems to me the hon. gentleman has not answered that part of my question, "has anybody been consulted from the minority."

Hon. Sir OLIVER MOWAT—The hon. gentleman says the minority—has the minority been consulted?

Hon. Mr. BERNIER—Yes?

Hon. Sir OLIVER MOWAT—I cannot answer that question. The majority consists of a large portion of the parliament of Manitoba.

Hon. Mr. LANDRY—Don't take the large portion, take the small portion.

Hon. Sir MACKENZIE BOWELL—Before putting my motion, which is perti-

nent to this question, I will call the attention of the government to the question put by the hon. member from St. Boniface. He said:

In the negotiations having in view the settlement of the school question in Manitoba, were the minority, whose educational interests would be affected, in any way consulted?

Or in other words,

Whether, in the negotiations which have been going on, any of the parties who were interested in the maintenance of the rights which the minority had prior to 1891 have been consulted, or anyone on their behalf.

That is the question put by my hon. friend, and which the hon. leader has not answered. Perhaps, after the suggestion which he has just received from the gentleman sitting behind him, he may be able to give us information.

Hon. Sir OLIVER MOWAT—I do not know who has been consulted.

Hon. Mr. LANDRY—Has any one been consulted?

Hon. Sir MACKENZIE BOWELL—The hon. Minister of Justice tells us that he does not know whether any one has been consulted or not, other than those who represent the government of Manitoba. That is what he said.

MANITOBA SCHOOL QUESTION.

INQUIRY.

Hon. Sir MACKENZIE BOWELL rose to

Inquire whether, if no settlement of the Manitoba school question has been effected or agreement reached between the Dominion and Manitoba governments, it is the intention of the government to carry out the promise made by the premier in the different speeches made by him, to appoint a commission with the Hon. Sir Oliver Mowat at its head, to investigate and report upon the claims of the minority in that province, for the restoration of the rights of which they have been deprived? If so, when?

Hon. Sir OLIVER MOWAT—If a settlement of the Manitoba school question is not otherwise effected, or agreement reached, between the Dominion and Manitoba governments, it is the intention of the government to carry out the promise made by the premier, in the different speeches made by him, to appoint a commission, with myself at its head, to investigate and report upon the whole question. As to the time, it will be before next session of parliament.

THE SENATE DEBATES.

REPORT OF COMMITTEE ADOPTED.

Hon. Mr. BELLEROSE moved concurrence in the report of the standing committee on the reporting of the Senate debates. He said: I do not know that there is much to say about this report. It speaks for itself. The first thing is as to the arrangement with the reporters of the Senate. By their contract they are not obliged to report during the present session, because it is an extra session, and it was arranged with them last year that they would report as usual, and that we would make an arrangement with them at the end of the session; but seeing that it would be difficult to do so, not knowing what day the House would prorogue, the committee have determined that these gentlemen shall receive every week, during the present sitting of the House, $300, and at the beginning of next session settle with them how much, if anything, is due them. That is the first clause. The second part recommends the translation of the Debates into French. With regard to the cost of translation, it will be very small. If hon. gentlemen will look at the Debates for ten years past, they will find that in 1887 there were 600 pages; in 1888, 900; in 1889, 700; 1890, 900; in 1891, 700; in 1892, 500; in 1893, 500; in 1894, 900; in 1895, 800; in 1896, 500. That will be 7,000 pages. Allowing 300 pages for the odd pages that I have omitted, it would make 7,300 altogether in ten years. At the cost, as provided for in the report, of $1.50 a page, it would amount to $10,950. The printing would be about the same, so that the expense of the French copy would be only between $2,000 and $2,500 a session, a very small sum compared with the great advantage it will be to one-third of the population of Canada who have for thirty years past had no opportunity of seeing our Debates in their own language. We never asked for it, because we thought we should wait and see how those reports were received, but seeing that they are highly appreciated by the people, we think that the French population of Canada might now be gratified by having this translation. Moreover, I think the present distribution of the Debates is not in the right direction. Our institutions throughout Canada do not receive them. They should be sent where they would do most

good. I always give my copies to public institutions in my own province, and I believe the distribution of the debates, after being delivered to members, ought to be to public institutions and public libraries, where they would be kept on record and the people in every district of Canada could have an opportunity of consulting them. Other members may do as I have been doing, but I do not think it is generally done. It is because we think we might change the course of the distribution in our province, and in other provinces where there is a population of French Canadians who do not understand English, that I suggest that the Debates should be distributed where they will be kept on record for consultation. In the different parts of the country, if the head men of the municipalities want to consult public documents they have to come to Ottawa, or some such place, to find copies. If those documents were distributed, as I have just stated, you would find a copy in every part of Canada in a place where it could be seen, and that is the best way to distribute. The third part of our report concerns Mr. Smith, who reports for the newspapers and who has been kept on the reporting staff for some years past. The report recommends to the House the advisability of continuing his services.

Hon. Sir MACKENZIE BOWELL—I should like to ask the chairman what suggested the idea of putting in the words "adjourned or prorogued." The reason I ask the question is, to ascertain whether the committee supposed for a moment that the government ever intended to adjourn the House until next spring, so as to make it a continuous session. I have good reason to believe that the question was suggested, and it is stated, whether correctly or not, that the leader of this House was in favour of it, in order to prevent the large expenditure involved in holding a second session, but his party were not in accord with him, whether they are or are not in accord with the leader of the other House. But the determination, after discussion, was that the parliament should be prorogued and not adjourned. I will not say why. We can draw our own inferences from that. If the hon. gentleman moves the adjournment of the House until next spring, whether the majority would carry it or not, he should have my support, but I do not believe the spirit of economy prevails to such an extent that there is any likelihood of that suggestion being carried out.

Hon. Sir OLIVER MOWAT—I am not aware of ever having expressed any opinion on the question of adjournment or prorogation.

Hon. Mr. BELLEROSE—Before the committee the question was, what would result if it was an adjournment and not a prorogation? If it was to be an adjournment, the reporters would have a right to receive $300 per week during the recess, and, that question not having been decided, I suggested myself that these two words should be added to the report, so as to cover both contingencies.

The motion was agreed to.

THE STATIONERY SUPPLY.

MOTION.

Hon. Sir JOHN CARLING moved the adoption of the first report of the joint Committee on Printing.

Hon. Sir MACKENZIE BOWELL—I desire to call attention to a report which has been published in the papers reflecting on the Senate, and I think the reporters or editors, whoever they may be, have taken a liberty which is altogether unjustifiable. I notice in the Toronto *World* of the 1st, the following paragraph referring to the action taken by the Senate with regard to the restaurant. After giving the motion which I moved in reference to limiting the privileges of the Senate restaurant, in certain respects, to senators, and mentioning my name, the reporter says:

> There is no doubt about the Senate's action being influenced by the decision of the House of Commons, early in the afternoon, to cut off the leather trunks and stationery of the senators after the session.

The Montreal *Herald* reports it in this fashion:

> The Senate this evening got a blow back at the House of Commons, for having deprived the senators of their trunks and stationery perquisites, by passing a resolution that thereafter the privileges of the Senate restaurant shall be confined to senators. Those members of the Commons who have been "visiting the corner stone" since the sale of liquor was prohibited in their restaurant, will hereafter have to go dry or carry a pocket flask.

Although it may be a reflection beneath contempt, I desire to say that, so far as my individual opinions are concerned in reference to the trunks, they are precisely in accord with the action taken by the House of Commons and my fellow committeemen, although it is unusual to refer to the proceedings of committees, would justify the statement which I make. More than that, in the sub-committee, of which I am a member, we carried the motion to do away with the stationery, restricting the distribution to that which is required in the Senate. It may be advisable on the part of newspapers to attribute to the senators motives of that kind, but I am inclined to think that those who could conceive an idea of that kind must be actuated more by what they would do themselves than what they attribute to other people. I repudiate the statement on behalf of myself individually, because my name is given in the newspapers as having made the motion, and on behalf of the Senate. I am sure that 79 out of the 80 senators here were not aware of the action which had been taken by the House of Commons when the debate took place in this House, and when I made the motion.

Hon. Mr. McCLELAN—I am very glad to be able to confirm the remarks made by the hon. leader of the opposition, and to say that I aided him in his efforts in that committee, on the occasion to which he refers, to economize with regard to the stationery, although the general committee did not concur in our report. I am glad to know that, the representatives in another place, having heard what our efforts were, followed the same course, and that a very large saving will be effected.

Hon. Mr. POWER—It seems to me that this discussion is slightly irregular, but I for one do not claim any superior virtue. I was a member of that sub-committee, and I did not agree with the hon. leader of the opposition and my hon. friend from Hopewell. Since the proceedings of the committee have been discussed here, we may as well say a little more about it. I said at the time that I was confident the general committee would not adopt that portion of the report of the sub-committee. It is very easy to acquire a reputation for being virtuous by proposing something which is safe not to be carried. That was the view I took of it.

Hon. Mr. McCLELAN—See what an influence it had.

Hon. Mr. POWER—I do not think it had any influence with the House of Commons at all. The public accounts show that the Senate has not been more extravagant in the matter of stationery than the House of Commons. The manner in which we spend the money appropriated for stationery is our own concern, and I am satisfied that if the members of the House of Commons do not take their allowance in the same way as the members of this House do, they will take twice as much in other ways, and at the end of the session it will be found that no money has been saved by the resolution they passed.

Hon. Mr. MACDONALD (B.C.)—You hit the nail on the head that time.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is just as unfair in his imputation that we are assuming a virtue, in the course that we pursued in the sub-committee, as the newspaper reporters were in the statements they made. While we are not all of the boldly selfish character of the hon. gentleman, he should give us credit for having pursued a consistent course. He knows that for years I have been advocating this course, and he has no right to say that I or any other senator, assumed a virtue and that we knew our recommendation would not be carried out.

Hon. Mr. POWER—I simply state facts. You can draw your own inferences.

Hon. Sir MACKENZIE BOWELL—But they were not facts.

The motion was agreed to.

GOVERNMENT CONTRACT BROKING.

INQUIRY.

Hon. Sir MACKENZIE BOWELL rose to call the attention of the Minister of Justice to the following letter alleged to have been written by Mr. Petit, the defeated candidate at the last Dominion election, in the county of Terrebonne:—

"I have received from the Department of Public "Works, at Ottawa, a letter informing me that "you are a tenderer for the supply of —— for the "public buildings at ———. As your tender is "the same as that of another firm, they write to ask

"me to whom the contract must be given. I now "write to know what you intend to do for me in "this matter. I will await your reply. Business "is business, as you know."

And inquire whether it is the intention of the government to take steps to have the writer of the said letter prosecuted under the provisions of paragraph (*f*) of article 133 of the Criminal Code, which reads as follows:—

"Everyone is guilty of an indictable offence and "liable to a fine of not less than one hundred "dollars, and not exceeding one thousand dollars, "and to imprisonment for a term not exceeding one "year, and not less than one month, and in default "of payment of such fine to imprisonment for a "further time not exceeding six months, who by "reason of, or under the pretence of, possessing in- "fluence with the government, or with any "minister or official thereof, demands, exacts, or "receives from any person any compensation, fee "or reward, for procuring from the government "the payment of any claim, or of any portion "thereof, or for procuring or furthering the ap- "pointment of himself, or of any other person, to "any office, place, or employment, or for procuring "or furthering the obtaining for himself, or any "other person, of any grant, lease, or other bene- "fit from the government."

He said: I do this, I can assure the House and the hon. leader of the House, not with any factious desire to embarrass the government, or to do anything which would militate or interfere with the administration of justice, or the proper carrying out of any contract, or any action of the government in reference thereto, but from a sincere desire to have the law upon the statute-book enforced to the furthest possible extent against contract brokers, or against those who attempt to levy blackmail, as is evidently indicated in this letter, upon those who are obtaining contracts from the government; or otherwise to use the influence which they are given by any minister of the Crown to enforce a payment of money for the service which they render in obtaining the contract from any government. We all know the reasons why the criminal law was amended in this particular respect. Those who knew the late Sir John Thompson know how bitterly and how honestly he was opposed to any attempt on the part of contractors, or those who had intercourse with the government, to obtain any undue advantage, and obtain rewards therefor, from the parties who were to receive those contracts. So decided was his view, sustained as it was by the members of both Houses of parliament, that this very strong clause was placed in the criminal code for the purpose of meeting just such cases as this, if on close investigation the Minister of Justice comes to the conclusion that the case is not reached by this clause of the act, and there may be—I am speaking as a layman—some little doubt on that point, though the last words of the clause seem to me to be sufficiently clear to cover any case and more particularly this one when it refers to obtaining any "other benefit from the government." That is, the contractor would receive the profits arising from the contract, and this man Petit says directly, I will obtain for you the contract from the Minister of Public Works if you give me a proper consideration for it. Whether that would be covered by this clause must be left to the decision of those whose duty it is to carry out the law, and I think I can safely say my hon. friend, the Minister of Justice, is just as anxious as any member of this Senate can possibly be to prevent this kind of brokerage. In times past, I remember well, his former leader took high grounds upon questions of this kind. He, no doubt, will remember, as many others do, that in 1873-74 when the Liberal party was seeking the confidence of the electors, that his late leader, subsequently premier, Mr. Mackenzie, used these words: "We come to raise again the standard of public morality." That, I think, is part of the language which has been used by the opponents of the late government during the late contest. "Which our opponents," he continues, "have done so much to debase." Well, we find that high standard of public morality very well exemplified in the quotation from the letter of Petit, which reads:

> I write to know what you intend to do for me in this matter. Business is business, you know.

Now, that might be treated with the contempt it deserves had not the policy of the Department of Public Works been such as to place it within the power of Mr. Petit to write such a letter and to make such a demand. We know that it has been stated, and stated very freely, that the defeated government candidates in any of the counties who were running in the interest of the government, are to be consulted in the letting of contracts under certain circumstances. It has been declared, as well by the leader of this House as by the leader in the House of Commons, that presuming they were respectable people, presuming that they must be so because they were selected by their party to contest the election in the interest of the govern-

ment, that their word was to be taken, in the granting of favours, or the dismissal of officials when they desire to do so. When this question was brought under the notice of the Commons, the Minister of Public Works gave an explanation which I shall read to the House for the purpose of establishing this point, that he knew that Mr. Petit was the man who wrote the letter, and the grounds upon which he did write it.

I have seen the letter in the journal mentioned. I had received two tenders for the supply of coal to the public building at St. Jérome. The prices were equal. If there had been a difference, the lower tender would have been accepted as a matter of course. But as they were equal I was free to accept either. In such cases the practice of the department for many years has been to ask the opinion of the friends of the government as to which tender should be accepted. Following this practice, the secretary of my department sent the following letter to Mr. Petit, who had been the Liberal candidate at the last election :

'Department of Public Works, Ottawa, August 28th, '96.

'Sir,—In answer to a notice asking tenders for the supply of coal for the public buildings of the Dominion, *two tenders have been received* for the supply of coal necessary for the public buildings of St. Jérome, viz. Messrs. Evans Brothers and Labrecque, Cousineau & Co. The price demanded by those tenderers being equal, I am instructed to ask you to kindly tell me to whom *you* would like the contract for the supply of coal to be granted. I have the honour to be, (signed) E. F. E. Roy, secretary.'

Upon the receipt of that letter Mr. Petit writes to the two tenderers this famous letter, which has already become historic, asking them what they would do for him, as "business is business," or, in other words, he asks which of the two gentlemen will give him the largest amount of money, and to him will the contract be awarded, because the Minister of Public Works has stated that "upon my recommendation you shall have the contract." It is that kind of action that I desire to have stopped, and I think my hon. friend would also desire to see it stopped. For that reason, I have called the attention of the Minister of Justice to the letter. I know that the Minister of Public Works refers to the practice of the department. Such may have been the practice, for all I know. I have had little, during my long experience in the government, to do with the letting of contracts. In the Customs nothing of that kind occurred, because the supply of fuel, which was formerly purchased by the Customs Department, was relegated to the Board of Works, for the reason that I thought—and I think everyone should come to the same conclusion—that in asking for tenders for coal for the whole of the departments of the Dominion, outside and inside service, it could be obtained at a cheaper rate than for each department to advertise for and receive tenders separately. I had some little experience, however, when I was President of the Council, and consequently had control of the Mounted Police. In that position we had to advertise for Mounted Police clothing and for the supply of other articles. My practice in that case was to take the lowest tender, without inquiring as to the politics of the man who had sent it in ; and, as an evidence of that, one of the leading Liberals in the city of Kingston received the contract—that is the time when I was Minister of Militia—for the supply of fuel and coal for the barracks and the military school in Kingston. In advertising for tenders for the Mounted Police—the food, tea and other things which we had to purchase—it was always done by tender ; and, as evidence of the fairness with which these tenders were considered, the quality of the article was tested by experts, and the lowest tender accepted in all cases. In the article of tea, to which I have referred, there were tenders from Montreal, Ottawa, Toronto and Winnipeg, at the same price precisely. After the examination of samples of tea from these different places, they were found to be of equal quality. Upon that occasion, I gave an order to each of these gentlemen ; and to show that I was not biassed, and that the government who sustained my action was not biassed by political considerations altogether, one lot of 1000 lbs. was given to the firm of Bate & Co. of this city. Every one knows that that firm is one of the grittiest of the grits. They are a most respectable firm, and a reliable firm, and their business transactions are fair and honourable, so far as I know, and they got a share of the contract. I wish it distinctly understood that I do not find fault with the government for awarding a contract to their friends, providing the tender is honestly given, and that the prices are the same, and the articles to be received are equal to those which would be supplied by others. No matter whether it has been the practice in the past or not, it becomes the duty of the

Minister of Justice to punish the parties implicated in contract broking to the fullest possible extent. And it is a lesson to the heads of the department in future not to place it in the power of any man of similar character to this Mr. Petit, to try and levy blackmail upon tenderers in order to secure for them a contract from which benefits would be derived. I have given my reasons, as clearly and distinctly as I know how, but I desire to impress upon the Minister of Justice that he should use every endeavour in his power, and should take immediate steps, to put a stop to this kind of blackmailing by prosecuting anyone who is guilty of writing such letters, or who attempts to exact from tenderers any amount of money in consideration of any influence which he may have with the government of the day. I go further; if this law does not cover it, I would suggest to him to submit an amendment to the criminal code by which we could reach just such people as these and have them properly punished.

Hon. Mr. GOWAN—Assuming that such a letter as has been read by my hon. friend, the leader of the opposition has been written, and assuming the facts which he has publicly mentioned to be correct, there can be no manner of doubt whatever that the person who wrote that letter has brought himself within the purview of this enactment. There can be no question or doubt upon the point. If it should turn out that the statute does not cover the offence, I am sure the government will cause the necessary amendment to be made; I know that that ought to be done. But I am not quite sure that I would be prepared to surrender what I consider the provincial rights. Now, the Minister of Justice cannot be said to be holding an office at all analogous to that of a procureur under the French system, or the public persecutor under the Scotch system. Our constitution delegates to the general government the criminal law. It is one of the subjects over which they have power to legislate. But the administration of justice is also delegated to the local authorities, and I really myself cannot see how the Minister of Justice could, *ex mero motu*, institute such a proceeding, but the very fact that the matter has been called to the attention of the House by my hon. friend may stimulate, if it be necessary, the proper officer in the province where the offence was committed to take the necessary steps. I think it would be the plain duty of the government here to afford every possible facility in the prosecution by allowing the papers to be used, and perhaps sending an officer with them, and doing anything in their power to assist the prosecution. But I am not prepared to say that the province should surrender even to my hon. friend—of whom I have a very high opinion—the initiation of criminal proceedings. There may be cases where special steps may be taken to bring an offender to justice, but where it is an offence of an ordinary character, I would hesitate to say that the province should surrender to the Minister of Justice the initiation, *ex mero motu*, of such proceedings. The prosecution would begin by an information being laid by the officers having the charge of the administration of justice in the province where the offence was committed, if they did their duty. It would evidently be the plain duty of the government to take steps to see that it was done, and while I am thoroughly in accord with my hon. friend, the leader of the opposition in this House, as to the enormity of the offence, and as to his duty and the duty of every right feeling man to call public attention to it, I hesitate, on the ground that I have mentioned, to admit that the general government have it within their power, or that it would be expedient, that they should initiate criminal proceedings, when the British North America Act while giving the power to them to deal with the criminal law, relegates to the provinces the administration of justice as well as the constitution of the courts. I think my hon. friend, the leader of the opposition, deserves the thanks of the community for calling attention to this, and the very fact of his having done so, in this august body, will have the effect of stimulating, as I said before, if stimulus be necessary, the local officers to whom it seems to me the duty more properly belongs.

Hon. Sir MACKENZIE BOWELL—I should like to ask a question of my hon. friend who has just spoken. He did not observe the form in which the question is asked. I ask "whether it is the intention of the government to take steps, &c.," not to prosecute themselves, and I instanced the case of the Connollys and also of McGreevy who contravened the provisions of this

statute. The Minister of Justice at that time took steps to bring the question under the notice of the provinces, who have the jurisdiction to which my hon. friend refers, and they instructed their attorney general, or some one on their behalf, to prosecute, and the government of the Dominion employed counsel also to see that the case was properly put before the courts in order to secure, if possible, the condemnation of those who had violated the law.

Hon. Sir OLIVER MOWAT—I am exceedingly glad to know how concerned my hon. friend opposite is for the purity and the principles of purity on which the government should be conducted. I expect good results from the manifestation of sentiment on that subject which he has given us to-day and on previous occasions. I perceive also that in the present matter he has not suggested any wrong whatever on the part of the Minister of Public Works. On the contrary my hon. friend has said that it is an exceedingly reasonable thing, when there are two or more tenders, and these the lowest, for the same amount, that the contract should be given to one of the two being a friend of the government. The only wrong that my hon. friend has been calling the attention of the House to is the wrong of a person to whom the clerk of public works wrote informing him of the two tenders and asking his opinion as to which should be accepted. My hon. friend has referred to the fact that sometimes Liberals got contracts under his government. Surely my hon. friend does not mean to say that these were not exceptional cases. Every one knows that almost all the contracts did in some way or other get into the hands of his supporters. Occasionally there may have been a case of a different kind. So we know that all, or nearly all, of the officials of the government were of their own party, while occasionally an appointment was made of some one who was not a member of that party. I do not know that it is expedient to discuss these party questions in this House. It is very difficult to avoid party references in discussing even this question; my hon. friend has made some; I shall not follow him in that, unless what I have said already is following him to some extent. I think this House will perform a more useful part if they discuss measures free from party attacks and party defences. This House now largely belongs to one party, and yet will have occasion to consider very important measures coming up from the other House and if these measures are to be considered under the influence of party feeling, if party feeling is to be stimulated among the members of this House, the Senate will be useless for the purpose for which it was intended. This single instance of wrong-doing, supposing the facts to be as the public journals say they were, illustrates that the established practice of asking any one to say which of two tenders, equally low, should be accepted, is a dangerous practice. This is the first instance that has occurred under the present government in which any harm has resulted from the practice, that any one has taken advantage of it to get a bonus from one or the other tenderer. But there may be instances, of course, of which we know nothing. I quite feel it to be desirable, in such cases, that some other method should be adopted for the purpose of determining to whom the contract in such a case should go. If the minister himself is aware of the proper person, or can get information without putting it in the power of any one to make a bargain such as this party may have intended to make, that course might be followed. Or he might re-advertise. Sometimes that is not worth while. Sometimes it might not result favourably; still it is an alternative which may be considered in such cases, in view of all the circumstances. Without further reference to the observations of my hon. friend, this is the answer I make to his question:

It is stated that Mr. Petit denies the accuracy of what has been published as his letter. He is to be officially called on for an explanation if there is any. I need not say that the letter was unauthorized by the Minister of Public Works, and has by him been condemned; and it is well known that the letter has been made use of in a public journal to justify a libellous attack on the minister, for which legal proceedings are now pending. When an answer to the official communication to Mr. Petit is received, or a reasonable time has elapsed without any answer, the government will consider what course is to be taken.

Hon. Sir MACKENZIE BOWELL—When the hon. gentleman says it is stated

that Mr. Petit denies the accuracy of the letter which has been published, may I ask him by whom is it denied—by Mr. Petit himself?

Hon. Sir OLIVER MOWAT—I have not the denial from himself personally; some one else has stated that he denies it.

Hon. Sir MACKENZIE BOWELL—Oh!

Hon. Sir OLIVER MOWAT—I am aware that he denies the accuracy of the statement, but he is to be written to officially, and then his communication will be public property.

Hon. Sir MACKENZIE BOWELL—And if it is ascertained that he is the author of the letter, I presume the hon. gentleman will take steps to bring him to justice, in the same way that the late Minister of Justice did in the case of the Connollys and the case of McGreevy.

Hon. Sir OLIVER MOWAT—I don't want to anticipate or make any announcement before I know all the facts of the case; and then I will consider it.

THE LATE SENATOR KAULBACH.

INQUIRY.

Hon. Mr. BOULTON—I should like to bring to the attention of the House a question which I think is of interest to us all. I see in the estimates a sum appropriated for the payment of the balance of indemnity to the late Senator Kaulbach, and that the same is made in favour of his wife or family. As that might give rise to doubt as to whom the balance of the indemnity should be paid to, I think it is but right to draw the attention of the leader of the House to the fact that it is in that position. If the cheque is made payable to the wife or family, it might be that the family would lay claim to a portion of the cheque, and I think undoubtedly, in a case of that kind, the indemnity is intended for the benefit of Mrs. Kaulbach. It should be understood that the cheque is for the benefit of the wife, and that the family has no claim to any portion of it.

Hon. Sir OLIVER MOWAT—I happen to know that the object of putting the item in the form in which it appears in the estimates, was to give the government an opportunity of ascertaining how the money should go. We had not the information necessary to know how it should be paid, and in order that we may be able therefore to make the payment afterwards, we require knowledge of the subject, and the item was put in its present form.

Hon. Mr. BOULTON—There was no will, and I hope after drawing the attention of the government to it, that every precaution will be taken to see that the cheque goes to Mrs. Kaulbach.

Hon. Sir MACKENZIE BOWELL—So far as my recollection serves me, in all cases of a similar character, payment has been made to the wife, if not to the daughters or some one else most entitled to it. I am quite sure, on investigation, it will be shown that the widow of the late Senator Kaulbach is entitled to this money. There are many circumstances, which it is not necessary for me to allude to now, but which, I have no doubt, will be brought to the notice of the leader of the House, that will induce him to take that course and to give the cheque to the widow. I am glad the hon. gentleman has called attention to the subject.

Hon. Mr. POWER—I wish to express my entire concurrence in the views expressed by the leader of the opposition and the hon. member from Shell River.

Hon. Sir OLIVER MOWAT—I gather from what has been said by hon. gentlemen who are acquainted with the facts, that they are aware that this payment should be made to the wife. We have had similar questions to deal with in the province of Ontario, and we generally found there that the wife was the person who should equitably get the money; but occasionally there were circumstancees making payment to the wife improper, and therefore in the present case we put the item in such a form that we might make the necessary inquiries.

Hon. Mr. DICKEY—As I come from the same province as Mr. Kaulbach did I entirely endorse what has been said by my colleague on the other side of the House, that the widow is properly entitled to the money voted.

The Senate then adjourned.

THE SENATE.

Ottawa, Saturday, 3rd October, 1896.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE PRINTING OF PARLIAMENT.

SECOND AND THIRD REPORTS OF THE COMMITTEE ADOPTED.

Hon. Sir JOHN CARLING presented the second report of the Committee of both Houses on the printing of Parliament, and moved the suspension of the rules in so far as the same relate to the report, and that the report be now concurred in.

Hon. Mr. POWER—I have some hesitation in assenting to that recommendation. The suggestion is that the chairman be authorized to order the printing of any documents which commend themselves to his judgment. Our printing costs an enormous sum, and as parliament is to meet in such a short time, I doubt the wisdom of putting it in the power of the chairman to incur such an expenditure. The chairman of the committee is in the other House, I think.

Hon. Mr. DICKEY—No, the chairman is chosen alternately from the House of Commons and the Senate. The chairman this year is the Hon. Sir John Carling.

Hon. Mr. POWER—But it is putting it in the power of one hon. gentleman to incur a great expense.

Hon. Mr. McKINDSEY—A report similar to this has been passed almost every year for several years.

Hon. Mr. WARK—The chairman, of course, does not order the printing of any paper which the committee decides should not be printed. The chairman will order the printing of any documents which the committee would have printed were the committee in session.

Hon. Mr. POWER—I withdraw my objection.

The motion was agreed to, and the report was concurred in under a suspension of the rules.

Hon. Sir JOHN CARLING presented the third report of the Committee of both Houses on the printing of Parliament.

Hon. Mr. SULLIVAN—I should object to that report, because there were other applicants for this position. Now those who were not there had no opportunity of finding out on what principle this gentleman was appointed. It involves a salary of a certain amount. I do not know whether Mr. Rogers was a nominee of the government or not. A young gentleman canvassed me, and asked me about it, whose name is not mentioned there. I do not know now why Mr. Roger has been appointed, and in consideration of the report recommending an appointment of that kind, it might be laid over for another occasion.

Hon. Sir JOHN CARLING—Mr. Rogers was recommended by Dr. Dawson, the head of the Printing Bureau. Mr. Rogers had a great deal of experience in connection with the Bureau, and had been engaged in that department twenty years. Dr. Dawson strongly recommended that Mr. Roger should be appointed in the place of Mr. Boulet, who died a short time ago. The salary that Mr. Boulet was receiving was $1,400 per annum, and Mr. Rogers had been receiving, I think, $875.

Hon. Mr. SCOTT—Then it was practically a promotion.

Hon. Sir JOHN CARLING—Yes; he did not receive the same amount as his predecessor, but his salary was increased to $1,000, effecting a saving of $400 a year.

Hon. Mr. MERNER—There is another appointment.

Hon. Sir JOHN CARLING—The gentlemen in charge of the Distribution Office had strongly urged the committee for assistance. The committee appointed a sub-committee to inquire into the work which had been done by Mr. Botterell, and, after careful examination, recommended that an assistant be given, and that Mr. Alexander be appointed at a salary of $500 a year.

Hon. Mr. CLEMOW—Has this report been accepted by the Commons?

Hon. Sir JOHN CARLING—Yes, the report has been adopted in the House this afternoon.

The motion was agreed to, and the report was concurred in under a suspension of the rules.

SENATE AND HOUSE OF COMMONS ACT AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (40) "An Act further to amend the Act respecting the Senate and the House of Commons."

The bill was read the first time.

Hon. Mr. SCOTT moved the second reading of the bill.

Hon. Mr. BOULTON—I think eight days more ought to be added in the case of members from the North-west.

Hon. Mr. CASGRAIN—Why?

Hon. Mr. BOULTON—Because they cannot get home. Hon. gentlemen who live at Belleville, and other places near Ottawa, can take advantage of the eight days. If eight days more were added, making the period sixteen days, it would be a very commendable act.

Hon. Mr. McKAY—I suppose we shall have the usual remarks from the hon. gentleman from Halifax with respect to this bill.

Hon. Mr. MILLER—It is much more important, from a financial point of view, than the little matter he spoke of a short time ago.

Hon. Mr. POWER—If hon. gentlemen are anxious to divide the House they will see where my vote will be.

The motion was agreed to, and the Bill passed through its final stages.

NORTH-WEST TERRITORIES REPRESENTATION ACT AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (38) "An Act to amend the North-west Territories Representation Act by dispensing with the preparation of new voters' lists in certain cases."

The bill was read the first time.

Hon. Mr. SCOTT moved the second reading of the Bill. He said: Under the North-west Representation Act, it is necessary that there should be a new enumeration for each election. As this would entail a very considerable expense, and inasmuch as the voters list was prepared some three months ago for the elections that recently took place, it was thought desirable to avoid the expense of having a new list made, and any election to take place during the coming year should be on the present lists. In addition to that, there are two clauses which are re-enacted, providing that any voter, whose name has been omitted from the roll, may, by making oath to that effect, have it restored. That provision was in existence some years ago, but was changed, and it was provided that the affidavit should be made two days before polling day. That was found to be a great hardship, because people having to travel fifty or sixty miles were obliged to go two days in advance of the election and remain over until polling day. There was no object to be gained by that, so this amendment is made.

Hon. Mr. BOULTON—I think the amendment is a very proper and wise one, and I should like to see its application in a much wider sense. I know in the last election many persons were cut out of their votes in consequence of the revision not having taken place for two years, and young men, who had become twenty-one years of age shortly after the revision, will now not enjoy the right of the franchise for five years or longer, so that they will not begin to vote for members of parliament until they are twenty-eight or twenty-nine. The amendment, so far as this particular constituency is concerned, is in the right direction, only I think its application might be widened.

Hon. Mr. SCOTT—The bill was agreed to by both sides in the House of Commons.

Hon. Sir MACKENZIE BOWELL—I have not had time to look at that amendment to the law. Is it intended to make that change permanent?

Hon. Mr. SCOTT—No, only for the present, because the law will have to be altered.

It is only in the event of any election taking place within a year.

The motion was agreed to.

Hon. Mr. SCOTT moved the third reading of the bill.

The motion was agreed to, and the bill was read the third time and passed.

The Senate adjourned.

THE SENATE.

Ottawa, Monday, October 5th, 1896.

The Speaker took the Chair at Two o'clock.

Prayers and routine proceedings.

THE SUPPLY BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (39) "An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service for the financial year ending 30th June, 1897, and for other purposes relating to the public service."

The bill was read the first time.

Hon. Sir OLIVER MOWAT moved the second reading of the bill.

Hon. Sir MACKENZIE BOWELL—Can the hon. leader of the House tell us the total amount of supply for the year, including two bills already passed and sanctioned?

Hon. Sir OLIVER MOWAT—I have not summed them up.

Hon. Mr. MACDONALD (B.C.)—It has been customary, on important occasions of this kind, for the ghost of Banquo, the hon. member from Halifax (Mr. Power) to rise in his place and point a warning finger at the enormous expenditure for which the Supply Bill provides, and protest against the late hour at which it is presented to this House. It is unfortunate that the hon. gentleman is not in his place to-day, because he would find justification for following the course he has pursued in the past in the case of the present bill, which is brought down to us in the very last hour of the session. For my own part, I make no protest; I can swallow almost anything—in fact, anything but Joe Martin.

The bill then passed through its final stages.

The Senate adjourned during pleasure.

THE PROROGATION.

After some time the House was resumed.

His Excellency the Right Honourable Sir John Campbell Hamilton-Gordon, Earl of Aberdeen; Viscount Formartine, Baron Haddo, Methlic, Tarves and Kellie, in the Peerage of Scotland; Viscount Gordon of Aberdeen, County of Aberdeen, in the Peerage of the United Kingdom; Baronet of Nova Scotia; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, &c., &c., Governor General of Canada, being seated in the Chair on the Throne,

The Honourable the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons, and acquaint that House—"It is His Excellency's pleasure they attend him immediately in this House."

Who, being come with their Speaker,

The Clerk of the Crown in Chancery read the titles of the bills to be passed severally, as follow:—

An Act to revive and amend the Acts respecting the St. Clair and Erie Ship Canal Company.

An Act to incorporate the Hudson's Bay and Pacific Railway Company.

An Act to confirm an agreement between the Grand Trunk Railway Company of Canada and the Canadian Pacific Railway Company.

An Act respecting the Hamilton Powder Company.

An Act for the relief of Albert Nordheimer.

An Act amalgamating the Ottawa, Arnprior and Parry Sound Railway Company and the Parry Sound Colonization Railway Company under the name of the Ottawa, Arnprior and Parry Sound Railway Company.

An Act respecting the St. Catharines and Niagara Central Railway Company.

An Act to revive and amend the Act incorporating the Montreal, Ottawa and Georgian Bay Canal Company.

An Act to incorporate the Columbia Telephone and Telegraph Company.

An Act to incorporate the Mather Bridge and Power Company.

An Act respecting the South Shore Railway Company.

An Act to amend the North-west Territories Representation Act by dispensing with the preparation of the new voters' lists in certain cases.

An Act further to amend the Act respecting the Senate and House of Commons.

To these bills the Royal Assent was pronounced by the Clerk of the Senate in the words following:—

In Her Majesty's name, His Excellency the Governor General doth assent to the bills.

Then the Honourable the Speaker of the House of Commons addressed His Excellency the Governor General as follows:—

MAY IT PLEASE YOUR EXCELLENCY:

The Commons of Canada have voted certain Supplies required to enable the Government to defray the expenses of the Public Service.

In the name of the Commons, I present to Your Excellency the following bill:—"An Act granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial year ending 30th June, 1897, and for other purposes relating to the Public Service" to which bill I humbly request Your Excellency's assent.

To this bill the Clerk of the Senate, by His Excellency's command, did thereupon say:—

In Her Majesty's name, His Excellency the Governor General thanks Her loyal subjects, accepts their benevolence, and assents to this bill.

After which His Excellency the Governor General was pleased to close the First Session of the Eighth Parliament of the Dominion with the following Speech:—

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

I am glad to be able to relieve you from further attendance in Parliament.

I am happy to repeat the assurance already given, that I have every expectation that an amicable settlement of the Manitoba school question will shortly be arrived at.

In conformity with the statement made to you at the commencement of the session it was not considered advisable to submit any important measures of legislation for your consideration.

Gentlemen of the House of Commons:

I have to thank you for the liberal provision you have made for the service of the current year.

Then the Honourable the Speaker of the Senate said:

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

It is His Excellency the Governor General's will and pleasure, that this Parliament be prorogued until Saturday, the seventh day of November next, to be here holden, and this Parliament is accordingly prorogued until Saturday, the seventh day of November next.

INDEX

PART I.—SENATORS.

The following abbreviations are used :—1st R., 2nd R., 3rd R., 1st 2nd and 3rd Readings; * without remark or debate; Accts., Accounts; Adjn., Adjourn; Adjd., Adjourned; Amt., Amendment; Amts., Amendments; Amalg., Amalgamation; B., Bill; B.C., British Columbia; Can., Canada or Canadian; Com., Committee; Co., Company; Consd., Consider; Consdn., Consideration; Cor., Correspondence; Dept., Department; Gov., Government; His Ex., His Excellency the Governor General; H. of C., House of Commons; Incorp., Incorporation; Inq., Inquiry; Man., Manitoba; Mess., Message; M., Motion; m., moved; N.B., New Brunswick; N.W.T., North-west Territories; N.S., Nova Scotia; Ont., Ontario; Parlt., Parliament; P.E.I., Prince Edward Island; P.O., Post Office; Ques., Question; Rep., Report; Ret., Return; Ry., Railway; Sel., Select; Wthdn., Withdrawn.

ADAMS, Hon. M. (Northumberland.)

Payment of Policies of Insurance by Foreign Cos. B. (C): on 2nd R., 160.

AIKINS, Hon. J. C. (Home.)

Bar of the Senate: M. to prohibit sale of intoxicants, 177.
Dixon, Mr. H. C., Dismissal of: Remarks on Inq., 310.
Ontario Building and Loan and Saving Co.'s B. (B): Introduced*, 131; 2nd R. *m.*, 156; in Com., 210.
Wesleyan Methodist Connection Incorp. B. (G): on 1st R., 166.

ALLAN, Hon. G. W. (York, Ont.)

Bar of the Senate: on M. to prohibit sale of intoxicants, 182.
——— On consdn. of Rep. of Restaurant Committee, 334.
——— On Amt. to 5th paragraph, 341.
Macpherson, Sir David: Remarks on Death of, 8.
Payment of Policies of Insurance by Foreign Cos. B. (C): on M. for 1st R., 5; on M. to refer to Com. of Whole, 164.
Supreme Court *ad hoc* Judges B. (F): on 2nd R., 209; in Com., 216.

ALMON, Hon. W. J. (Halifax.)

Adjournment: Remarks on M. to adjn. till 15th, 151.
Bar of the Senate: on M. to prohibit sale of intoxicants, 178.
Dismissal of Public Officials in P.E.I.: on M. for names, 141.
Divorce Com.: on M. for, 132.
Dixon, Mr. H. C., dismissal of: Remarks on Inq., 298.
Emigration to Brazil: Remarks on Inq., 255.

ALMON, Hon. W. J.—*Continued.*

Hudson Bay and Pacific Ry. Co.'s Incorp. B. (12): on 2nd R., 232.
McDonald, George, appointment as sub-collector: Remarks on Inq., 268.
Supreme Court *ad hoc* Judges B. (F): in Com., 217.
Wesleyan Methodist Connection Incorp. B. (G): on M. to withdraw B., 270.

ARMAND, Hon. J. F. (Repentigny.)

Address in Reply to Speech from Throne: on M. for, 130.

ARSENAULT, Hon. J. O. (Prince.)

Lobsters, Close Season for: Inq., 346.

BÉCHARD, Hon. F. (DeLorimier.)

Address in Reply to Speech from Throne: Seconds M. for, 21.
Composition of Senate: in Debate on Speech from Throne, 21.
Dismissal of officials in N.B.: on M. for Cor., 353. 364.
Introduced, 3.
Manitoba School Ques.: in Debate on Speech from Throne, 22.
Privilege, Ques. of: Remarks on statement by Minister of Rys. as to seat in Senate, 13.
South Shore Ry. Co.'s B. (32): 1st R.*, *m.* suspension of rules; 2nd R.*, 310; Reported, 344; 3rd R.*, 345.
Tariff Revision: in Debate on Speech from Throne, 346.
Weights and Measures Officials dismissed, 364.

BELLEROSE, Hon. J. H. (DeLanaudière.)

Address in Reply to Speech from Throne: on M. for, 116.

BELLEROSE, Hon. J. H.—*Continued.*

Debates, Senate: M. to concur in report recommending translation of Debates in French, 384.
Dismissal of Employés—Policy enunciated by Minister of Rys.: Remarks on Inq., 262.
——— Public Officials in P.E.I.: on M. for names, 148.
Manitoba School Ques.: in Debate on Speech from Throne, 117.
Railway Act Amt. B. (A): in Com., 214.
Selection of Speaker: in Debate on Speech from Throne, 116.
Tariff Revision: in Debate on Speech from Throne, 118.

BERNIER, Hon. T. A. (St. Boniface.)

Address in Reply to Speech from Throne: on M. for, 90.
Manitoba School Ques.: in Debate on Speech from Throne, 90.
——— N. of Inq. *re* settlement and agreement with minority, 345.
——— Inq. as to definite arrangements with minority, 383.

BOULTON, Hon. C. A. (Marquette.)

Address in Reply to Speech from Throne: on M. for, 50.
Bar of the Senate: on consdn. of Restaurant Com.'s Rep., 336.
Composition of Senate: Remarks on newspaper paragraph as to, 120.
——— in Debate on Speech from Throne, 51.
Dismissal of Officials in N.B.: on M. for Cor, 362.
——— Public Officials in P.E.I.: on M. for names, 147.
Dixon, Mr. H. C., Dismissal of: Remarks on Inq., 298, 303.
Free trade advocated: in debate on Speech from Throne, 52.
Governor Gen.'s Warrants: on Debate on Speech from Throne, 55.
Hudson Bay and Pacific Ry. Co.'s B. (12): 2nd R., 229; 3rd R. *m.*, 241, 246.
Hull Electric Ry. Co'.s B. (20): on 2nd R., 333.
Indemnity to Senator Kaulbach: Inq., 391.
Macpherson, Sir David: Remarks in Debate on Speech from Throne on death of, 50.
Manitoba and North-western Ry. postal facilities: Inq., 236.
Manitoba School Ques.: on Debate on Speech from Throne, 56.
Mather Bridge and Power Co.'s Incorp. B. (14): on 3rd R., 380.
Monk, Mr.: Remarks on death of, 51.
North-West representation: Inq., 234.
North-west Territories Representation Act Amt. B. (38): on 2nd R., 393.
Ottawa, Improvement of: Remarks on Inq., 382.

BOULTON, Hon. C. A.—*Continued.*

Patrons of Industry: Letter to, 283.
Postal facilities in Man.: Inq., 236.
Railway Development: Debate on Speech from Throne, 58.
Read, Hon. Senator: Remarks in Debate on Speech from Throne on death of, 50.
Relations between Provincial Premiers and Dom. Govt.: on Inq., 293.
Representation of B.C. in Cabinet: on Inq., 169.
Senate and H. of C. Act Amt. B. (40): on 2nd R., 393.
Settlement of the N.W.T.: in Debate on Speech from Throne, 57.
Sugar and Spirits: M. to remove tax on sugar and increase excise on spirits, 270; letter to Patrons of Industry, 283.
Tariff Revision: in Debate on Speech from Throne, 62.

BOWELL, Hon. Sir M., K.C.M.G. (Hastings.)

Address in Reply to Speech from Throne: on M. for, 23.
Adjournment: on M. to adjn. till 14th, 152.
Bar of Senate: Remarks on Notice of M. (Mr. Vidal) to close, 153.
——— Remarks on M. (Mr. Aikins) to prohibit sale of intoxicants, 185.
——— on consdn. of Restaurant Com.'s Rep., 335.
——— Amt. *m.* to 5th paragraph, 341.
——— Omission in Minutes—On ques. of Order, 378.
Bills, Private (Printing and Advertising): on Inq., 377.
B.C. vacant judgeship: Remarks on Inq., 239.
Committees: Presents Rep. of Com. of Selection 131.
Composition of Senate: in Debate on Speech from Throne, 25.
——— Remarks on newspaper paragraph as to, 120.
Debates, Senate: on M. to translate in French, 385.
Dismissal of Employés—Policy enunciated by Minister of Rys.: on Inq., 259.
——— Officials in N.B.: on M. for Cor., 353, 362.
——— Public Officials in P.E.I.: on M. for names, 141.
——— On Inq., incomplete returns, 240.
Dixon, Mr. H. C., dismissal of: Inq., 294; Remarks, 295.
Ferguson, Hon. Mr.: Remarks on Death of, 234.
Governor Gen.'s Warrants: in Debate on Speech from Throne, 25.
Govt. Contract Broking: Inq., 386.
Grand Trunk and Canadian Pacific Ry. Co.'s Confirmation of Agreement B. (10): 2nd R. *m.*, 224; 2nd R., 229; 3rd R.*, 241.
Hull Electric Ry. Co.'s B. (20): 1st R., 294; 2nd R., 324; Reported from Com. and wthdn., 381.

BOWELL, Hon. Sir M., K.C.M.G.—*Cont.*

Indemnity to Senator Kaulbach: Remarks on Inq., 391.
McDonald, George, appointment as Sub-collector: Remarks on Inq., 268.
Macpherson, Sir David: Remarks on Death of, 6.
Manitoba School Ques.: in Debate on Speech from Throne, 28.
——— Par. in Globe, 224.
——— Remarks *re* settlement of, 345.
——— Inq. if Govt. will investigate claims of minority, 384.
Minutes, omission in: on Ques. of Order, 378.
North-west Representation Act Amt. B. (38): on 2nd R., 393.
Ontario Building and Loan and Savings Cos. B. (B): on 2nd R., 157; in Com., 210.
Ottawa, Improvement of: Remarks on Inq., 382.
Parliament: Remarks on Senate Debates Com.'s Rep., 385.
Payment of Policies of Insurance by Foreign Cos. B. (C): on 2nd R., 160; on M. to refer to Com. of Whole, 165.
Payne, J. L.: M. for Papers respecting case of, 150, 240, 269.
——— Delayed returns: Inq., 211.
——— Return presented, 233.
Privilege, Ques. of: Statement of Minister of Rys. as to seat in Senate, 10.
Railway Act Amt. B. (A): on 2nd R., 188.
Read, Hon. Senator: Remarks on death of, 6.
Relations between Provincial Premiers and Dom. Govt.: on M. to adjn. debate, 293, 318.
Representation of B. C. in Cabinet: on Inq., 172.
Stationery Supply: on M. to concur in Printing Com.'s Rep., 385.
Supply B. (39): on 2nd R., 394.
Supreme Court *ad hoc* Judges B. (F): on 2nd R., 206; in Com., 214; on 3rd R., 226.
Tariff Revision: in Debate on Speech from Throne, 30.
Wesleyan Methodist Connection Incorp. B. (G): on 2nd R., 227.

CARLING, Sir John, K.C.M.G. (London.)

Printing Com.: *m.* adoption of Rep. concerning stationery supply, 385.
Printing Com's. 3rd Rep.: Recommending appointment of Distributor at Printing Bureau, 392.

CLEMOW, Hon. F. (Rideau.)

Address in Reply to Speech from Throne: on M. for, 121.
Adjournment: Remarks on M. to adjourn till 15th, 151.
Cabinet representation: in Debate on Speech from Throne, 126.
Divorce Com.: on M. for, 132.

CLEMOW, Hon. F.—*Continued.*

Dixon, Mr. H. C., dismissal of: Remarks on Inq., 302.
Hull Electric Ry. Co.'s B. (20): on 1st R., 294; on 2nd R., 324.
Macpherson, Sir David: Remarks on death of, 9.
Manitoba School Ques.: in Debate on Speech from Throne, 126.
Montreal, Ottawa and Georgian Bay Canal Co.'s Amt. B. (28): 1st R.*, Rules suspended, 2nd R., 310; 3rd R.*, 344.
National Policy: in Debate on Speech from Throne, 122.
Nordheimer, Albert, Relief B. (D): Introduced*, 151; 2nd R.*, 224; 3rd R., 240.
Ontario Building and Loan and Savings Cos. B. (B): in Com., 210.
Ottawa, Improvement of: Inq., 381.
Tariff Revision: in Debate on Speech from Throne, 122.

DEVER, Hon. J. (St. John.)

Address in Reply to Speech from Throne: on M. for, 88.
Dismissal of Employés—Policy enunciated by Minister of Rys.: Remarks on Inq., 264.
Dixon, Mr. H. C., dismissal of: Remarks on Inq., 299.
Friendly relations between England and U.S.: in Debate on Speech from Throne, 90.
Hull Electric Ry. Co.'s B. (20): on 2nd R., 332.
Relations between Provincial Premiers and Dom. Govt.: on Inq., 293, 323.
Tariff Revision: in Debate on Speech from Throne, 88.

DICKEY, Hon. Robt. B. (Amherst.)

Hull Electric Ry. Co.'s B. (20): on 2nd R., 325.
Indemnity to Senator Kaulbach: Remarks on Inq., 391.
Ottawa, Arnprior and Parry Sound Ry. Co.'s Amalgamation B. (15): Reports B. from Com., 294.
Ottawa, Improvement of: Remarks on Inq., 382.
Printing Com.'s 2nd R.: Ordering documents to be printed, 392.
South Shore Ry. Co.'s B. (32): Reported, 344.
Supreme Court *ad hoc* Judges B. (F): Reports B. from Com., 223.

FERGUSON, Hon. D. (Queen's.)

Address in Reply to Speech from Throne: on M. for, 41.
Adjournment: Remarks on M. to adjourn till 15th, 151.
——— on M. to adjourn till 14th, 152.
Appointments deferred: Inq., 265.
Bar of the Senate: On M. to prohibit the sale of intoxicants, 184.

FERGUSON, Hon. D.—*Continued.*

Bar of the Senate: on consdn. of Rep. of Restaurant Com., 339.
Branch Rys. in P.E.I.: on M. for copies of Reps., &c., 195.
Dismissal of Employés—Policy enunciated by Minister of Rys.: Inq., 256.
——— Officials in N.B.: on M. for Cor., 354.
——— Public officials in P.E.I.: on M. for names, &c., 133, 149.
——— Incomplete Returns, 232, 239.
Dixon, Mr. H. C., Dismissal of: Remarks on Inq., 303.
Governor Gen.'s Warrants: in Debate on Speech from Throne, 44.
Interprovincial Conference at Quebec: in Debate on Speech from Throne, 41.
Manitoba School Ques.: in Debate on Speech from Throne, 50.
McDonald, George, Appointment as Sub-Collector: Remarks on Inq., 269.
Murray Harbour South Ry.: on M. for copies, &c., 195.
Relations between Provincial Premiers and Dom. Govt.: Remarks on Inq., 314.
Tariff Revision: in Debate on Speech from Throne, 45.

FORGET, Hon. L. J. (Sorel.)

Introduced, 3.
South Shore Ry. Co.'s B. (32): Reported, 345.

GOWAN, Hon. J. R., C.M.G. (Barrie.)

Bar of the Senate: on M. to prohibit the sale of intoxicants, 183.
Emigration to Brazil: Remarks on Inq., 256.
Govt. Contract Broking: Remarks on Inq., 389.
Nordheimer, Albert, Relief B. (D): Reported, 240.
Payment of Policies of Insurance by Foreign Cos. B. (C): on 2nd R., 162.
Supreme Court *ad hoc* Judges B. (F): on 2nd R., 200; in Com., 218.

HINGSTON, Hon. Sir W. H., Kt. (Rougemont.)

Hudson Bay and Pacific Ry. Co.'s Incorp. B. (12): on 3rd R., 248.
Representation of B. C. in Cabinet: Remarks on on Inq., 169.

KIRCHHOFFER, Hon. J. N. (Selkirk.)

Relations between provincial Premiers and Dom. Govt.: Inq., 286.
Supreme Court *ad hoc* Judges B. (F): on 2nd R., 203; in Com., 218.

LANDRY, Hon. A. C. P. (Stadacona.)

Adjournment: M. to adjn. till 15th, 150.

LANDRY, Hon. A. C. P.—*Continued.*

Bar of the Senate: on consdn. of Restaurant Com.'s Rep., 343.
Dixon, Mr. H. C., Dismissal of: Remarks on Inq., 304.
Fortier, Sifroid: *See* Dixon.
Order, Ques. of: Omission in Minutes, 378.
Proulx, J. B.: *See* Dixon.
Simoneau, Mr.: *See* Dixon.

LOUGHEED, Hon. J. A. (Calgary.)

Address in Reply to Speech from Throne: on M. for, 100.
Cabinet Representation: in Debate on Speech from Throne, 111.
Composition of Senate: in Debate on Speech from Throne, 100.
Dismissal of Employés—Policy enunciated by Minister of Rys.: Remarks on Inq., 264.
Governor Gen.'s Warrants: in Debate on Speech from Throne, 106.
Hudson Bay and Pacific Ry. Co.'s Incorp. B. (12): on 2nd R., 231; on 3rd R., 245.
Manitoba School Ques.: in Debate on Speech from Throne, 108.
North-west Judges; Inq., 189.
Payment of Policies of Insurance by Foreign Co.'s B.: 1st R. postponed, 5. 1st R.*, 131; 2nd R. *m.*, 157, 163; M. to refer to Com. of Whole, 164.
Representation of B.C. in Cabinet: on Inq., 167.
Sugar and Spirits: on M. to remove Tax on Sugar and increase Excise on Spirits, 283.
Supreme Court *ad hoc* Judges B. (F): on 2nd R., 201.
Wesleyan Methodist Connection Incorp. B. (G): on 2nd R., 228.

MACDONALD, Hon. A. A. (Charlottetown.)

Charlottetown, Kent Street Roadway: Inq., 149.
McDonald, George, appointment as sub-collector: Inq., 266.
Payment of Policies of Insurance by Foreign Co.'s B. (C): on 2nd R., 161.
Relations between Provincial Premiers and Dom. Govt.: Remarks on Inq., 321.

MACDONALD, Hon. W. J. (Victoria, B.C.)

Address in Reply to Speech from the Throne: on M. for, 80.
Bar of the Senate: on M. to prohibit the sale of intoxicants, 180.
——— on consdn. of Restaurant Com.'s Rep., 341.
Bills, Private (Printing and Advertising): Inq., 377.
B.C. vacant judgeship: Inq., 238, 256, 269, 345.
Cabinet Representation: in Deb. on Speech from Throne, 81.
Columbia Telegraph and Telephone Co.'s Incorp. B. (21): 3rd R.*, 380.

MACDONALD, Hon. W. J.—*Continued.*

Dismissal of Employés—Policy enunciated by Minister of Rys.: Remarks on Inq., 263.
——— Officials in N.B.: on M. for Cor., 356.
Dixon, Mr. H. C., Dismissal of: Remarks on Inq., 299.
Emigration to Brazil; Remarks on Inq., 255.
Hudson Bay and Pacific Ry. Co.'s Incorp. B. (12): on 3rd R., 244.
Manitoba School Ques.: in Debate on Speech from Throne, 81.
Mather Bridge and Power Co.'s Incorp. B. (14): 1st, 2nd R., 256.
Minutes, Omission in: on Ques. of Order (Mr. Landry), 379.
Ottawa, Improvement of: Remarks on Inq., 382.
Representation of B.C. in Cabinet: Inq., 166.
Supply Bill (partial) 30: on 3rd R., 236.
Supply B. (39): on 2nd R., 394.
Wesleyan Methodist Connection Incorp. B. (G): 1st R., 166; 2nd R. *m.*, 227; B. wthn., 270.

MASSON, Hon. L. F. R. (Mille Isles.)

Pointon Divorce Case: on Presentation of Petition, 132.
Representation of B.C. in Cabinet: on Inq., 173.
Supreme Court *ad hoc* Judges B. (F): in Com., 221.

MERNER, Hon. S. (Hamburg.)

Printing Com.'s 3rd Rep.: Appointment of Distributor at Printing Bureau, 392.

MILLER, Hon. William (Richmond.)

Adjournment: on M. to adjourn till 14th, 152.
Branch Railways in P.E.I.: on M. for Copies of Reps., &c., 196.
Hull Electric Ry. Co.'s B. (20): Reported, 381.
Macpherson, Sir David: Remarks on death of, 7.
Mather Bridge and Power Co.'s Incorp. B. (14): Reported, 380.
Pointon Divorce Case: on Presentation of Petition, 132.
Representation of B.C. in Cabinet: on Inq., 173.
Senate and House of C. Act Amt. B. (40): on 2nd R., 393.
Supreme Court *ad hoc* Judges B. (F): on 2nd R., 201; in Com., 220.

MOWAT, Hon. Sir O., K.C.M.G.

Adjournment: Remarks on M. to adjourn till 15th, 150.
——— M. to adjourn till 14th, 152.
Appointments deferred: Reply to Inq., 266.
Branch Railways in P.E.I.: on M. for Reports, &c., 195.
B.C. vacant Judgeship: Reply to Inqs., 239, 269, 345.
Charlottetown, Kent Street Roadway: Reply to Inq., 149.

MOWAT, Hon. Sir O., K.C.M.G.—*Cont.*

Com. of Selection: M. to nominate Senators to serve on, 131.
——— Report agreed to, 153.
Composition of Senate: on Debate on Speech from Throne, 37.
——— Remarks on newspaper paragraph as to, 121.
Debates, Senate: on M. to translate Debates in French, 385.
Dismissal of Employés—Policy enunciated by Minister of Rys.: Reply to Inq., 257.
——— Public Officials in P.E.I.: on M. for names, 138, 141.
Divorce Com.: on M. for, 131.
Dixon, Mr. H. C., dismissal of: Reply to Inq., 294; Remarks, 306.
Ferguson, Hon. Mr.: Remarks on death of, 233.
Governor Gen.'s Warrants: in Debate on Speech from Throne, 34.
Govt. Contract Broking: Reply to Inq., 390.
Indemnity to Senator Kaulbach: Remarks on Inq., 391.
Introduced, 3.
Lobsters, close season for: Reply to Inq., 350.
McDonald, George, appointment as sub-collector: Reply to Inq., 266.
Macpherson, Sir David: Remarks on death of, 5.
Manitoba School Ques.: in Debate on Speech from Throne, 36.
——— As to par. in *Globe*, 224.
——— Reply to Inq. as to definite arrangements, 383.
——— Reply to Inq. if Govt. will investigate claims of minority, 384.
N. W. Exhibition: Reply to Inq., 383.
——— Judges: Reply to Inq., 189.
——— Representation: Reply to Inq., 235.
Ontario Building and Loan and Savings Cos. B. (B.): in Com., 209.
Ottawa, Improvement of: Reply to Inq., 382.
Payment of Policies of Insurance by Foreign Cos. B. (C): on 2nd R., 159; on M. to refer to Com. of Whole, 165.
Payne, J. L.: on M. for papers respecting case of, 150.
Privilege, Ques. of: Replies to Sir M. Bowell's Inq., Statement of Minister of Rys. as to seat in Senate, 12.
Railway Act *(pro forma)* B.: Introduced*, 4.
Railway Act Amt. B. (A): on 2nd R., 155, 185; in Com., 212, 224.
Read, Hon. Senator: Remarks on death of, 5.
Relations between Provincial Premiers and Dom. Govt.: M. to adjn. debate, 292.
——— Reply to Inq., 311.
Representation of B. C. in Cabinet: Reply to Inq., 170.
Rules suspended: Supply B. (partial), 236.

MOWAT, Hon. Sir O., K.C.M.G.—*Cont.*

Sugar and Spirits: on M. to remove tax on Sugar and increase excise on Spirits, 285.
Supply B. (partial) 30; 1st, 2nd, 3rd R., 236.
Supply B. (39): 1st, 2nd, 3rd R., 394.
Supreme Court *ad hoc* Judges B. (F): 1st R., 153; 2nd R. *m.*, 199, 207; M. to refer to Com. of Whole, 209; in Com., 218; Amt. to change title, 223; 3rd R. *m.*, 226.
Tariff Revision: in Debate on Speech from Throne, 37.

MacINNES, Hon. D. (Burlington.)

Dismissal of Public officials in P.E.I.: on M. for names, &c., 148.
Hamilton Powder Co.'s B. (13): 2nd R., 235; 3rd R.*, 270.
Macpherson, Sir David: Remarks on death of, 9.
Payment of Policies of Insurance by Foreign Cos. B. (C): on 2nd R., 163.
St. Clair and Erie Ship Canal Co.'s Amt. B. (11): 1st R.*, 223; 2nd R. *m.* and postponed, 223; 2nd R.*, 229; 3rd R.*, 241.

MACKEEN, Hon. D. (Cape Breton.)

Bar of the Senate: on consdn. of Restaurant Com.'s Rep., 338.

McCALLUM, Hon. L. (Monck.)

Adjournment: on M. to adjn. till 14th, 152.
Bar of the Senate: on M. to prohibit the sale of intoxicants, 182.
Dismissal of Employés—Policy enunciated by Minister of Rys.: Remarks on Inq., 262.
Dismissals in N.B.: on M. for Cor., 359.
Dixon, Mr. H. C., Dismissal of: Remarks on Inq., 309.
Ellis Investigation, Welland Canal: Referred to, 359.
Mather Bridge and Power Co.'s Incorp. B. (14): M. for suspension of rules, 380.
Ottawa, Arnprior and Parry Sound Ry. Co.'s Amalgamation B. (15): 1st, 2nd R., 256; 3rd R.*, 294.
Railway Act Amt. B. (A): Introduced, 131; 2nd R. *m.*, 154, 156; M. to refer to Com of Whole, agreed to, 138; in Com.. 213, 224.
St. Clair and Erie Ship Canal Co.'s Amt. B. (11): objects to 2nd R., 223; 2nd R., 229.

McCLELAN, Hon. A. R. (Hopewell.)

Address in Reply to Speech from Throne: on M. for, 127.
Dismissal of Officials in N.B.: M. for correspondence, &c., 350.
Dixon, Mr. H. C., Dismissal of: Remarks on Inq., 299.
Governor Gen.'s Warrants: in Debate on Speech from Throne, 128.

McCLELAN, Hon. A. R.—*Continued.*

Hull Electric Ry. Co.'s B. (20): on 2nd R., 332.
Ontario Building and Loan and Savings Co.'s B. (B): B. reported, 211.
Relations between Provincial Premiers and Dom. Govt.: Remarks on Inq., 320.
Stationery Supply: on M. to concur in Printing Com.'s Rep., 386.
Tariff Revision: in Debate on Speech from Throne, 128.
Wesleyan Methodist Connection Incorp. B. (G): on 2nd R., 227.

McDONALD, Hon, Wm. (Cape Breton).

Wesleyan Methodist Connection Incorp. B. (G): Reported, 270.

McINNES, Hon. T. R. (New Westminster.)

Civil Service System in England compared with Canadian and United States, 300.
Dismissal of Public Officials in P.E.I.: on M. for names, 137.
Dixon, Mr. H. C., dismissal of: Remarks on Inq., 300.
Pointon Divorce Case: Presents petition, 132.
Pointon, Charles Edward Uton, Relief B. (E): Introduced*, 151; 2nd R.*, 224.
Representation of B. C. in Cabinet: on Inq., 168.

McKAY, Hon. T. (Truro.)

Bar of the Senate: on consdn. of Restaurant Com.'s Rep., 343.
Composition of Senate: Remarks on Newspaper paragraph as to 120.
Dismissal of Public Employés in P.E.I.: on M. for names, 146.
Dixon, Mr. H. C., dismissal of: Remarks on Inq., 297.
Minutes, Omission in: on Ques. of Order, 379.
Senate and House of C. Act Amt. B. (40): on 2nd R., 363.
South Shore Ry. Co.'s B. (32): Reported, 345.

McKINDSEY, Hon. G. C. (Milton.)

Dixon, Mr. H. C., Dismissal of: Remarks on Inq., 308.
Hamilton Powder Co.'s B. (13); Introduced, 233.
Printing Com.'s 2nd Rep.: Printing documents, 392.
St. Catharines and Niagara Central Ry. Co.'s B. (31): 1st, 2nd R.*, 310; 3rd R., 344.

McMILLAN, Hon. D. (Alexandria.)

Bar of the Senate: on consdn. of Restaurant Com.'s Rep., 337, 339, 343.
Dismissal of Officials in N.B.: on M. for Cor., 376.
Payment of Policies of Insurance by Foreign Cos. B. (C): on M. to refer to Com. of Whole, 165.

O'DONOHOE, Hon. J. (Erie.)

Bar of the Senate: on M. to prohibit the sale of intoxicants, 183.

OGILVIE, Hon. A. W. (Alma.)

Bar of the Senate: on M. to prohibit sale of intoxicants, 180.
——— on consdn. of Restaurant Com.'s Rep., 336.
Dixon, Mr. H. C., Dismissal of: Remarks on Inq., 301.
Hull Electric Ry. Co.'s B. (20): on 2nd R., 331.
Payment of Policies of Insurance by Foreign Cos. B. (C): on 2nd R., 162.
Railway Act Amt. B. (A): on 2nd R., 156.

PELLETIER, Hon. C. A. P., C.M.G., Speaker (Grandville.)

Appointed Speaker, 3.
Bar of the Senate: on consdn. of Restaurant Com.'s Rep., 343.
Reports His Ex.'s Address at opening, 4.

PERLEY, Hon. W. D. (Wolseley.)

Bar of the Senate: on M. to prohibit the sale of intoxicants, 181.
——— on consdn. of Restaurant Com.'s Rep., 335.
Dixon, Mr. H. C., Dismissal of: Remarks on Inq., 300.
Manitoba and North-Western Ry. postal facilities: Remarks on Inq., 237.
N.W. Exhibition, Regina: Asks that additional grant be given, 344.
——— Inq., 383.
Relations between Provincial Premiers and Dom. Govt.: Remarks on Inq., 322.

POIRIER, Hon. P. (Acadie.)

Emigration to Brazil: Inq., 249.

POWER, Hon. L. G. (Halifax.)

Adjournment: on M. to adjn. till 14th, 152.
Bar of the Senate: Remarks on Notice of M. (Mr. Vidal) to close, 153.
——— on M. to prohibit sale of intoxicants, 177, 179.
——— on consdn. of Restaurant Com.'s Rep., 338, 341.
Columbia Telegraph and Telephone Co.'s Incorp. B. (21): 1st, 2nd R., 293.
Composition of Senate: in debate on Speech from Throne, 20.
Dismissal of Employés—Policy enunciated by Minister of Rys.: Remarks on Inq., 263.
——— Officials in N. B.: on M. for Cor., 364.
——— Public Officials in P. E. I.: on M. for names, 139.
Dixon, Mr. H. C., Dismissal of: Remarks on Inq., 297.

POWER, Hon. L. G.—*Continued.*

Governor Gen.'s Warrants: in Debate on Speech from Throne, 15.
Hudson Bay and Pacific Ry. Co.'s Incorp. B. (12): on 2nd R., 230; on 3rd R., 241.
Indemnity to Senator Kaulbach: Remarks on Inq., 391.
Macpherson, Sir David: Remarks on Death of, 10.
Manitoba School Ques.: in Debate on Speech from Throne, 19.
Montreal, Ottawa and Georgian Bay Canal Co.'s Amt. B. (28): on 2nd R., 310.
Ontario Building and Loan and Savings Cos. B. (B): in Com., 210.
Payment of Policies of Insurance by Foreign Cos. B. (C): on 2nd R. 162.
——— on M. to refer to Com. of W., 164.
Printing Com.'s 2nd Rep.: Printing documents, 392.
Railway Act Amt. B. (A): in Com., 213.
Read, Hon. Mr.: Remarks on Death of, 9.
Representation of B.C. in Cabinet: on Inq., 170.
Senate and H. of C. Act Amt. B. (40): on 2nd R., 393.
South Shore Ry. Co.'s B. (32): Reported, 344.
Stationery Supply: on M. to concur in Printing Com.'s Rep., 386.
Supreme Court *ad hoc* Judges B. (F): on 2nd R., 204; in Com., 219.
Tariff Revision: in Debate on Speech from Throne, 17.
Wesleyan Methodist Connection Incorp. B. (G): on 2nd R., 228.

PRIMROSE, Hon. C. (Pictou.)

Address in Reply to Speech from Throne: on M. for, 67.
Dismissal of Officials in N.B.: on M. for Cor., 364.
Manitoba School Ques.: in Debate on Speech from Throne, 68.
Sugar and Spirits: on M. to remove tax on sugar and increase excise on spirits, 282.
Tariff Revision: in Debate on Speech from Throne, 69.

PROWSE, Hon. S. (King's.)

Address in Reply to Speech from Throne: on M. for, 82.
Bar of the Senate: on consdn. of Restaurant Com.'s Rep., 337.
Branch Railways in P.E.I.: M. for reports, &c., 189.
Cabinet Representation: in Debate on Speech from Throne, 84.
Composition of Senate: in Debate on Speech from Throne, 86.
Divorce Com.: on M. for, 132.

PROWSE, Hon. S.—*Continued.*

Dickson, Mr. H. C., Dismissal of: Remarks on Inq., 306.
Lobsters, Close season for: Remarks on Inq., 349.
Manitoba School Ques.: in Debate on Speech from Throne, 83.
Public Works in P.E.I.: in Debate on Speech from Throne, 87.
Relations between Provincial Premiers and Dom. Govt.: Remarks on Inq., 322.
Tariff Revision: in Debate on Speech from Throne, 82.

SCOTT, Hon. R. W. (Ottawa.)

Address in Reply to Speech from Throne: on M. for, 70.
Bills, Private (Printing and Advertising): on Inq., 377.
Branch Railways in P.E.I.: on M. for reports, &c., 198.
Composition of Senate: in Debate on Speech from Throne, 78.
Dismissal of Public Officials in P.E.I.: on M. for names, 145.
——— Incomplete returns, 232, 240.
Divorce Com.: on M. for, 132.
Emigration to Brazil: Reply to Inq., 254.
Governor Gen.'s Warrants: in Debate on Speech from Throne, 70.
Manitoba and North-western Ry. Postal facilities: Reply to Inq., 238.
Manitoba School Ques.: in Debate on Speech from Throne, 75.
North-west Territories Representation Act Amt. B. (38): 1st R., 2nd R., 393; 3rd R., 394.
Payment of Policies of Insurance by Foreign Cos. B. (C): Introduction deferred till consdn. of Address, 5.
Payne Papers: Reply to Inqs., 212, 241, 269.
——— Return presented, 233.
Railway Act Amt. B. (A): on 2nd R., 155, 187.
Relations between Provincial Premiers and Dom. Govt: on M. to adjn. debate, 293.
Rules suspended: gives Notice of M., 270.
——— M. agreed to, 350.
Senate and H. of C. Act Amt. B. (40): 1st, 2nd, 3rd R., 393.

SCOTT, Hon. R. W.—*Continued.*

Supply Bill (partial) 30: on 3rd R., 236.
Supreme Court *ad hoc* Judges B. (F): on 2nd R. 203; in Com., 217.

SNOWBALL, Hon. J. B. (Chatham.)

Bar of the Senate: on consdn. of Restauran Com.'s Rep., 336.
Lobsters, close season for: Remarks on Inq., 347.

SULLIVAN, Hon. M. (Kingston.)

Hudson Bay and Pacific Ry. Co.'s Incorp. B. (12): on 3rd R., 242.
Printing Com.'s 3rd Rep.: Appointment of Distributor at Printing Bureau, 392.

THIBAUDEAU, Hon. A. A. (de la Vallière.)

Introduced, 100.

VIDAL, Hon. Alex. (Sarnia.)

Bar of the Senate: Gives Notice of M. to close, 153; M. considered and wthdn., 175.
——— on M. (Mr. Aikins) to prohibit sale of intoxicants, 180.

VILLENEUVE, Hon. J. O. (De Salaberry.)

Bar of the Senate: on consdn. of Restaurant Com.'s Rep., 343.
Hull Electric Ry. Co.'s B. (20); on 2nd R., 325.
Sugar and Spirits: on M. to remove tax on Sugar and increase excise on Spirits, 274.

WARK, Hon. D. (Fredericton.)

Printing Com.'s 2nd Rep.: Printing documents, 392.

WOOD, Hon. J. (Westmoreland.)

Address in Reply to Speech from Throne: on M. for, 113.
Composition of Senate: in Debate on Speech from Throne, 115.
Manitoba School Ques.: in Debate on Speech from Throne, 115.
Tariff Revision: in Debate on Speech from Throne, 114.

PART II.—SUBJECTS.

ADDRESS IN REPLY TO SPEECH FROM THE THRONE:

Speech reported in extenso, 4.

M. (Sir Oliver Mowat) for consdn. on Aug. 24, 4.

Remarks (Sir M. Bowell) to postpone consdn. till 25th, 4; agreed to, 5.

M. (Mr. Power) for Address, 13; seconded (Mr. Béchard) 21.

Debated: Sir M. Bowell, 23; Sir Oliver Mowat, 34; Mr. Ferguson (P.E.I.), 41; Mr. Boulton, 50; Mr. Primrose, 67; Mr. Scott, 70; Mr. Macdonald (B.C.), 80; Mr. Prowse, 82; Mr. Dever, 88; Mr. Bernier, 90; Mr. Lougheed, 100; Mr. Wood, 113; Mr. Bellerose, 116; Mr. Clemow, 121; Mr. McClelan, 127; Mr. Armand, 130.

——— Prorogation, 395.

ADJOURNMENT: M. (Mr. Landry) to adjn. till 15, 150. Remarks: Sir O. Mowat, 150, Messrs. Clemow, Ferguson, Almon, 151.

——— M. (Sir O. Mowat) to adjn. till 14th, 152. Remarks: Messrs. Power, Miller, Sir M. Bowell, Ferguson, McCallum, 152.

ALLAN, T.: *See* Dismissals in N.B., 355.

APPOINTMENTS DEFERRED: Inq. (Mr. Ferguson), 265. Reply (Sir O. Mowat), 266.

APPROPRIATION ACT, No. 1: *See* B. 18.

——— No. 2: *See* B. 30.

——— No. 3: *See* B. 39.

BAR OF SENATE: Notice of M. (Mr. Vidal) to close 153. Remarks: Sir M. Bowell, Mr. Power, 153.

——— M. (Mr. Vidal) considered and wthdn., 175.

——— M. (Mr. Aikins) to prohibit sale of intoxicants in Senate, 177. Debated: Mr. Power, 177, 179; Mr. Almon, 178; Messrs. Vidal, Ogilvie, Macdonald, B.C., 180; Mr. Perley, 181; Messrs. McCallum, Allan, 182; Messrs. Gowan, O'Donohoe, 183; Mr. Ferguson, P.E.I., 184; Sir M. Bowell, 185. Amt. (Mr. Power) to refer M. to Restaurant Com. agreed to, 185.

——— Consdn. of Rep. of Restaurant Com., 334. Debated: Mr. Allan, 334; Messrs. Perley, Macdonald (B.C.), Sir M. Bowell, 335; Messrs. Boulton, Snowball, Ogilvie, 336; Messrs. Prowse, McMillan, 337; Messrs. Power, MacKeen, 338; Messrs. Ferguson, McMillan, 339. Senate divided (Y. 16—N. 23), 341. Amt. m., Sir M. Bowell, 341; on 5th Par. Amt., Sir M. Bowell, 341. Debated: Messrs. Macdonald (B.C.), Power, Allan, 341; Messrs. McMillan, McKay, Villeneuve, Landry, The Speaker, 343. Division: (Y. 20—N. 16); Rep. adopted, 343.

——— Omission in the Minutes: Inq. (Mr. Landry) 378.

BEHRING SEA CLAIMS ARBITRATION: Remarks on 3rd R. B. (F), 226.

——— Remarks on Relations between Provincial Premiers and Dom. Govt., 289.

BILLS ASSENTED TO: 211, 239, 395.

BILLS, PRIVATE (PRINTING AND ADVERTISING): Inq. (Mr. Scott). Remarks (Sir M. Bowell), 377.

BILLS, UNFINISHED: Inq. (Mr. Macdonald, B.C.); Reply (Sir O. Mowat), 364.

BILLS—*Seriatim.*

An Act relating to Railways.—(Sir O. Mowat). Introduced*, 4.

(A) Respecting the Payment of Policies of Insurance by Foreign Corporations.—(Mr. Lougheed). 1st R. postponed till after consdn. of Address, 5; Remarks (Messrs. Scott, Allan), 5. *See* Bill C.

(A) To amend the Railway Act.—Mr. McCallum). Introduced*, 131; 2nd R. *m.* (Mr. McCallum), 154, 185; Debated: Mr. Scott, 155, 187; Sir O. Mowat, 155, 185; Mr. Ogilvie, 156; Sir M. Bowell, 188. M. to refer to Com. of Whole (Mr. McCallum), 188. In Com., 212; Debated: Sir O. Mowat, 212; Messrs. Power, McCallum, 213; Mr. Bellerose, 214. In Com., 224: Debated: Sir O. Mowat, Mr. McCallum, 224. 3rd R*, 226.

(B) Further to amend the law respecting Building Societies and Loan and Savings Companies, carrying on business in the Province of Ontario —(Mr. Aikins). Introduced*, 131. 2nd R. *m.* (Mr. Aikins), 156. Remarks, Sir M. Bowell, 157. In Com.: Sir O. Mowat, 209; Messrs. Aikins, Clemow, Sir M. Bowell, Power, 210. Reported (Mr. McClelan), 211. 3rd R.*, 211.

(C) Respecting the Payment of Policies of Insurance by Foreign Companies.—(Mr. Lougheed). 1st R.*, 131; 2nd R. *m.*, (Mr. Lougheed), 157, 163. Debated: Sir O. Mowat, 159; Sir M. Bowell, Mr. Adams, 160; Mr. Macdonald (P. E.I.), 161; Messrs. Power, Gowan, Ogilvie, 162; Mr. MacInnes (Burlington), 163. M. to refer to Com. of Whole (Mr. Lougheed), 164. Remarks: Messrs. Power, Allan, 164; Sir O. Mowat, McMillan, Sir M. Bowell, 165. M. wthdn., 165.

(D) For the Relief of Albert Nordheimer.—(Mr. Clemow). Introduced*, 151; 2nd R.*, 224; 3rd R., 240. (60 Vic., cap. 16.)

(E) For the relief of Charles Edward Uton Pointon —(Mr. McInnes, B.C.)—Introduced*, 151; 2nd R.*, 224.

BILLS—*Continued.*

(F) To authorize the appointment of Judges of the Supreme Court *ad hoc* in certain cases—(Sir O. Mowat). 1st R., 153; 2nd R. *m.*, Sir O. Mowat, 199, 207. Debate: Mr. Gowan, 200; Messrs. Lougheed, Miller, 201; Messrs. Kirchhoffer, Scott, 203; Mr. Power, 204; Sir M. Bowell, 206; Mr. Allan, 209. M., Sir O. Mowat, to refer to Com. of Whole, 209. In Com. of Whole, 214. Debated: Sir M. Bowell, 214; Mr. Allan, 216; Messrs. Scott, Almon, 217; Messrs. Gowan, Kirchhoffer, Miller, Sir O. Mowat, 218; Mr. Power, 219; Mr. Miller, 220 Mr. Masson, 221; Mr. Ferguson, 223. Amt. Sir O. Mowat, to amend title, 223. B. reported, Mr. Dickey, 223. 3rd R. *m.*, Sir O. Mowat, 226. Debated: Sir M. Bowell, 226.

(F) For the appointment of temporary Judges in the Supreme Court in certain cases. *See supra.*

(G) To incorporate the Wesleyan Methodist Connection of the Dominion of Canada—(Mr. Macdonald, B.C.) 1st R., 166. Remarks, Mr. Aikins, 166. 2nd R. *m.*, Mr. Macdonald, B.C., 227. Debated: Mr. McClelan, Sir M. Bowell, 227; Messrs. Lougheed, Power, 228. Reported, Mr. Macdonald, B.C., 270; M. (Mr. Macdonald, B.C.) to wthd. B. and refund fees, 270. Remarks, Mr. Almon, 270.

(10) To confirm an agreement made between the Grand Trunk Railway Company of Canada and the Canadian Pacific Railway Company—(Sir M. Bowell). 1st R.*, 224. M. for 2nd R. on Monday, 224; 2nd R., 229; 3rd R.*, 241. (60 Vic., cap. 6.)

(11) To revive and amend the Acts respecting the St. Clair and Erie Ship Canal Company—(Mr. MacInnes, Burlington). 1st R., 223; 2nd R. *m.*, Mr. MacInnes, Burlington, 223. Objections raised, Mr. McCallum, to 2nd R. now, 223; 2nd R., 229; 3rd R., 241. (60 Vic., cap. 12.)

(12) To incorporate the Hudson Bay and Pacific Railway Company—(Mr. Boulton). 1st R., 224; 2nd R. *m.*, Mr. Boulton, 229. Debated: Mr. Power, 230; Mr. Lougheed, 231; Mr. Almon, 232. Agreed to, 232. 3rd R. *m.*, Mr. Boulton, 241. Debated: Mr. Power, 241; Mr. Macdonald, B.C., 244; Mr. Lougheed, 245; Mr. Boulton, 246; Sir Wm. Hingston, 248. 3rd R., 249. (60 Vic., cap. 7.)

(13) Respecting the Hamilton Powder Company—(Mr. McKindsey). Introduced, 333. 2nd R. *m.*, Mr. MacInnes, Burlington, 235; 3rd R.*, 270. (60 Vic., cap. 15.)

(14) To incorporate the Mather Bridge and Power Company—(Mr. Macdonald, B.C.) 1st, 2nd R. and rule suspended, 256. Reported, Mr. Miller. Rules suspended. Remarks: Mr. Boulton, 380. 3rd R.*, 381. (60 Vic., cap. 13).

BILLS—*Continued.*

(15) Amalgamating the Ottawa, Arnprior and Parry Sound Railway Company and the Parry Sound Colonization Railway Company under the name of the Ottawa, Arnprior and Parry Sound Railway Company—(Mr. McCallum). 1st, 2nd R. and rule suspended, 256. Reported, Mr. Dickey, 294. 3rd R., 294. (60 Vic., cap. 8.)

(18) For granting to Her Majesty the sum of $446,500 required for defraying certain expenses in connection with the annual drill of the Militia during the financial year ending the 30th June, 1897. 1st, 2nd and 3rd R.* and Rules suspended, 154. Royal Assent, 211. (60 Vic., cap. 1.)

(20) Respecting the Hull Electric Railway Company.—(Sir M. Bowell). 1st R., 294. Mr. Clemow objects to 1st R., 294. 2nd R. *m.* (Sir M. Bowell), 324. Debated: Mr. Clemow, 324; Messrs. Villeneuve, Dickey, 325; Mr. Ogilvie, 331; Messrs. McClelan, Dever, 332; Mr. Boulton, 333; Reported (Mr. Miller), 381. Remarks: Sir M. Bowell, and B. wthdn., 381.

(21) To incorporate the Columbia Telegraph and Telephone Company.—(Mr. Power). 1st R., Rules suspended, 2nd R., 293; 3rd R.*, 380. (60 Vic., cap. 14.)

(28) To revive and amend the Act incorporating the Montreal, Ottawa and Georgian Bay Canal Company.—(Mr. Clemow). 1st R.*, Rules suspended, 2nd R.*, 311; 3rd R.*, 344. (60 Vic., cap. 11.)

(30) For granting to Her Majesty certain sums of money required for defraying certain expenses of the public service for the financial year ending the 30th June, 1897, and for other purposes relating to the public service. 1st R., 236; Sir O. Mowat moves suspension of 41st Rule, 236; 2nd R., 3rd R. *m.*, 236. Remarks: Messrs. Macdonald, B.C., Scott, 236; 3rd R., 236. Royal Assent, 239. (60 Vic., cap. 2.)

(31) Respecting the St. Catharines and Niagara Central Railway Company.—(Mr. McKindsey.) 1st R.*, 2nd R., 310; 3rd R.*, 344. (60 Vic., cap. 9.)

(32) Respecting the South Shore Railway Company.—(Mr. Béchard). 1st R.*, Rules suspended, 2nd R.*, 310; Rep. from Com. (Mr. Dickey), 344; Debated: Mr. Power, 344; Messrs. Béchard, McKay, Forget, 345; 3rd R. *m.* (Mr. Béchard), 345. (60 Vic., cap. 10.)

(38) To amend the North-west Territories Representation Act by dispensing with the preparation of new voters' lists in certain cases.—(Mr. Scott). 1st R.*, 2nd R. *m.* (Mr. Scott), Remarks (Mr. Boulton, Sir M. Bowell), 393; 3rd R.*, 394. (60 Vic., cap. 5.)

(39) For granting to Her Majesty certain sums of money required for defraying certain expenses

BILLS—*Concluded.*

of the public service for the financial year ending 30th Jnne, 1897, and for other purposes relating to the public service.—(Sir O. Mowat). 1st R.*, 2nd R. *m.*, Remarks (Sir M. Bowell, Mr. Macdonald, B.C.), 3rd R., 394. (60 Vic., cap. 3.)

(40) Further to amend the Act respecting the Senate and House of Commons.—(Mr. Scott.) 1st R.*, 393; 2nd R. *m.*, Remarks: Messrs. Boulton, McKay, Miller, Power; 3rd R.*, 393. (60 Vic., cap. 4.)

BLAIR, HON. MR. : Statement as to seat in Senate, 10.

BRAZIL, EMIGRATION TO: Inq. (Mr. Poirier), 249. Reply (Mr. Scott), 254. Remarks : Messrs. Macdonald (B.C.), Almon, 255; Mr. Gowan, 256.

BRANCH RAILWAYS IN P.E.I. : M. (Mr. Prowse) for reports, &c., 189. Remarks: Sir O. Mowat, Mr. Ferguson, 195; Mr. Miller, 196; Mr. Scott, 198

B.C. VACANT JUDGESHIP: Inq. (Mr. Macdonald B.C.), 238, 256, 269. Reply, Sir O. Mowat, 239 Remarks : Sir M. Bowell, 239. Further Inq., Mr Macdonald (B.C.), Reply, Sir O. Mowat, 345.

BRITISH COLUMBIA: unrepresented in Cabinet, 81, 111, 126.

Building Societies. *See* "Ontario."

CABINET REPRESENTATION: in Debate on Speech from Throne (Mr. Macdonald, B.C.), 81; Mr. Prowse, 84; Mr. Lougheed, 111; Mr. Clemow, 126.

Canadian Pacific and Grand Trunk Ry. Cos. *See* "Grand Trunk."

CHARLOTTETOWN, KENT STREET ROADWAY: Inq. (Mr. Macdonald, P.E.I.), 149. Reply, Sir O. Mowat, 149.

Christian Connection. *See* Wesleyan Methodist."

"CITIZEN": Paragraph respecting composition of Senate; objected to (Mr. Boulton), 120.

Columbia Telegraph and Telephone Co.'s Incorp. B. (21).—(Mr. Power). 1st, Rules suspended, 2nd R., 293; 3rd R.*, 380. (60 Vic., cap. 14.)

COMPANIES. *See.*

Canadian Pacific Ry. Co.
Columbia Telegraph and Telepone Co.
Grand Trunk Ry. Co. of Canada.
Hudson's Bay and Pacific Ry. Co.
Hamilton Powder Co.
Hull Electric Ry. Co.
Mather Bridge and Powder Co.
Montreal, Ottawa and Georgian Bay Canal Co.
Ottawa, Arnprior and Parry Sound Ry. Co.
Parry Sound Colonization Ry. Co.
St. Clair and Erie Ship Canal Co.
St. Catharines and Niagara Central Ry. Co.
South Shore Ry. Co.

COMPOSITION OF SENATE: in Debate on Speech from Throne (Mr. Power), 20; Mr. Béchard, 21; Sir M. Bowell, 25; Sir O. Mowat, 37; Mr. Boulton, 51; Mr. Scott, 78; Mr. Prowse, 86; Mr. Lougheed, 100; Mr. Wood, 115.

——— Ques. of Privilege (Mr. Boulton), 120. Remarks: Mr. McKay, Sir M. Bowell, 120; Sir O. Mowat, 121.

COMMITTEES APPOINTED :

M. (Sir O. Mowat) for Com. of Selection to nominate Standing Coms., 131.

Rep. of Com. of Selection presented (Sir M. Bowell), 131. Adoption postponed till to-morrow, 132.

Divorce Com. appointed, 131, 154.

M. (Sir O. Mowat) that Report be considered, 153.

Library of Parliament; Printing of Parliament, 153.

Banking and Commerce; Railways, Canals and Telegraph Lines; Internal Economy and Contingent Accounts; Miscellaneous Private Bills; Standing Orders; Debate and Reporting; Restaurant, 154.

Debates: M. (Mr. Bellerose) to concur in Rep. recommending translation of Debates in French, 384. Remarks: Sir M. Bowell, Sir O. Mowat, 385.

Printing: M. (Sir John Carling) *re* stationery supply, 385. Remarks: Sir M. Bowell, 385. Messrs. McClelan, Power, 386.

——— 2nd Rep. *re* Printing of Documents (Sir John Carling), 392. Remarks: Messrs. Power, Dickey, McKindsey, Wark, 392.

——— 3rd Rep. *re* appointment of Distributor at Printing Bureau (Sir John Carling), 392. Remarks: Mr. Sullivan, 392.

Restaurant Com.: consideration of Rep., 334. Debated: Mr. Allan, 334; Messrs. Perley, Macdonald (B.C.), Sir M. Bowell, 335; Messrs. Boulton, Snowball, Ogilvie, 336; Messrs. Prowse, McMillan, 337; Messrs. Power, MacKeen, 338; Messrs. Ferguson, McMillan, 339. Senate divided (Y. 16—N. 23), 341. Amt. *m.*, Sir M. Bowell, 341. On 5th Par. Amt., Sir M. Bowell, 341. Debated: Messrs. Macdonald (B.C.), Power, Allan, 341; Messrs. McMillan, McKay, Villeneuve, Landry, Speaker, 343. Division (Y. 20—N. 16). Rep. adopted, 343.

CONNOLLY, MR. *See* Dismissal of Mr. H. C. Dixon.

DEBATES, SENATE :

M. (Mr. Bellerose) to concur in Rep. recommending translation of Debates in French, 384. Remarks: Sir M. Bowell, Sir O. Mowat, 385.

DEPUTY GOVERNOR ASSENTS TO BILLS, 211, 239.

DISFRANCHISEMENT OF CIVIL SERVANTS. *See* Debate on Dismissal of Mr. Dixon, 300.

DISMISSAL OF EMPLOYÉS: Inq. (Mr. Ferguson) as to policy enunciated by Minister of Railways, 256. Reply, Sir O. Mowat, 257. Remarks: Sir M. Bowell, 259; Messrs. McCallum, Bellerose, 262; Messrs. Power, Macdonald (B.C.) 263; Messrs. Lougheed, Dever, 264.

DISMISSAL OF H. C. DIXON: Inq. (Sir M. Bowell), 294. Reply, Sir O. Mowat, 294. Remarks: Sir M. Bowell, 295; Mr. Allan, 296; Messrs. Power, McKay, 297; Messrs. Almon, Boulton, 298; Messrs. Macdonald (B.C.), McClelan, Dever, 299; Messrs. Perley, McInnes (B.C.), 300; Mr. Ogilvie, 301; Mr. Clemow, 302; Messrs. Ferguson, Boulton, 303; Mr. Landry, 304; Mr. Prowse, 306; Sir O. Mowat, 306; Mr. McKindsey, 308; Mr. McCallum, 309; Mr. Aikins, 310.

DISMISSAL OF OFFICILAS IN N.B.: M. (Mr. McClelan) for correspondence, &c., 350. Remarks: Sir M. Bowell, Mr. Béchard, 353; Mr. Ferguson, 354; Mr. Macdonald (B.C.), 356; Mr. McCallum, 359; Mr. Boulton, 362; Sir M. Bowell, 362; Messrs. Primrose, Béchard, Power, 364; Mr. McMillan, 376.

DISMISSAL OF PUBLIC OFFICIALS IN P.E.I.: M. (Mr. Ferguson) for names of employés on P.E.I. Ry. dismissed; also respecting certain dismissals of Fisheries employés, 133. Debated: Mr. McInnes (B.C.), 137; Sir O. Mowat, 138; Mr. Power, 139; Mr. Almon, Sir M. Bowell, Sir O. Mowat, 141; Mr. Scott, 145; Mr. McKay, 146; Mr. Boulton, 147; Mr. Bellerose, Mr. MacInnes (Burlington), 148; Mr. Ferguson, 149.

——— Delayed Returns: Inq., Mr. Ferguson, 211. Reply, Mr. Scott, 212.

——— Incomplete Returns presented, Mr. Ferguson, 232. Reply, Mr. Scott, 232.

——— Inq., Mr. Ferguson, when Return will be completed, 239. Reply, Mr. Scott, 240. Remarks, Sir M. Bowell, 240.

——— Inq., Mr. Ferguson, for additional papers, 269.

DIVISIONS: on Rep. of Restaurant Com., 341, 343.

DIVORCE COM.: Senators to compose, 131, 154.

DIXON, Mr. H. C. *See* "Dismissal."

DUTIES (CUSTOMS AND EXCISE), *See* "Sugar and Spirits."

EDGAR, HON. J. D., informs His Ex. of his election as Speaker of H. of C., 4.

EGMONT BAY. *See* "Lobsters."

ELLIS INVESTIGATION, WELLAND CANAL: Referred to, 353, 359.

ENGLISH CIVIL SERVICE SYSTEM. *See* "Dismissals in N.B.," 365.

Erie Ship Canal. *See* "St. Clair."

FERGUSON, HON. SENATOR, REMARKS ON DEATH OF: Sir O. Mowat, 233; Sir M. Bowell, 234.

FISCAL POLICY OF NEW ADMINISTRATION: in Debate on Speech from Throne (Mr. Power), 16; Mr. Scott, 75; Mr. Macdonald, B.C., 81; Mr. Prowse, 82; Mr. Dever, 88; Mr. McClelan, 129.

FISHERY OFFICERS IN P.E.I. *See* "Dismissals of Public Officials in P.E.I.," 133.

FITZPATRICK, RICHARD. *See* "Dismissals in N.B.," 356.

FORTIN, SIFROID. *See* "Debate on Dismissal of H. C. Dixon," 304.

FREE TRADE ADVOCATED: in Debate on Speech from Throne (Mr. Boulton), 52.

"GLOBE." Par. *re* settlement of Man. School Ques., 224.

GOVT. CONTRACT BROKING: Inq. (Sir M. Bowell), 386. Remarks, Mr. Gowan, 389. Reply, Sir O. Mowat, 390.

GOVERNOR GENERAL'S WARRANTS: Debated in Reply to Speech from the Throne (Mr. Power), 15; Sir M. Bowell, 25; Sir O. Mowat, 34; Mr. Ferguson (P.E.I.), 44; Mr. Boulton, 55; Mr. Scott, 70; Mr. Lougheed, 106; Mr. McClelan.

GRAND RIVER SUB-COLLECTORSHIP. *See* Macdonald, George.

Grand Trunk and Canadian Pacific Ry. Co.'s Confirmation of Agreement B. (10).—Sir M. Bowell. 1st R., 2nd R. *m.*, 224; 2nd R., 229; 3rd R.*, 241. (60 Vic., cap. 6.)

Hamilton Powder Co.'s B. (13).—(Mr. McKindsey). Introduced, 233. 2nd R. 235. 3rd R.*, 270. (60 Vic., cap. 15.)

HEWETT, MR. WM., appointed stamp vendor in Toronto, P.O., 294. *See* "Dismissal of Mr. H. C. Dixon."

House of Commons. *See* "Senate."

Hudson Bay and Pacific Ry. Co.'s Incorp. B. (12).—(Mr. Boulton). 1st R. 224; 2nd R., 229; 3rd R., 241. (60 Vic., cap. 7.)

Hull Electric Railway Co.'s B. (20).—(Sir M. Bowell). 1st R., 294; 2nd R., 324. Reported and B. wthdn., 381.

INTERCOLONIAL RY. EMPLOYÉS. *See* "Dismissal of H. C. Dixon," 294.

——— *See* "Dismissals in N.B.," 374.

INDEMNITY TO SENATOR KAULBACH; Inq. (Mr. Boulton), 391. Remarks: Sir O. Mowat, Sir M. Bowell, Mr. Power, Mr. Dickey, 391.

INTERPROVINCIAL CONFERENCE AT QUEBEC: in Debate on Speech from Throne (Mr. Ferguson, P.E.I.), 41.

JUDGESHIPS. *See* "British Columbia, North-west."

JUDGES IN THE N.-W.: Inq. (Mr. Lougheed), 189; Reply, Sir O. Mowat, 189.

KAULBACH, INDEMNITY TO LATE SENATOR. *See* "Indemnity."

KENT STREET ROADWAY. *See* "Charlottetown."

KINNIE, JAS. E. *See* "Dismissals in N.B.," 350.

LEPROHON, Mr. *See* "Dismissals in N.B." 370.

Loan and Saving Cos. *See* "Ontario."

LOBSTERS, CLOSE SEASON FOR: Inq. (Mr. Arsenault), 346. Debated: Mr. Snowball, 347; Mr. Prowse, 349. Reply, Sir O. Mowat, 350.

MCALMON, CAPT. JOS. *See* "Dismissal of Officials in N.B.," 350.

MCBRIDE, PATRICK. *See* "Dismissals in P.E.I.," 133.

MCCORMACK, MICHAEL. *See* "Dismissals in P.E.I.," 133.

MCDONALD, CHARLES E. *See* "Appointments deferred."

MCDONALD, GEORGE, APPOINTMENT AS SUB-COLLECTOR: Inq. (Mr. Macdonald, P.E.I.), 266. Reply, Sir O. Mowat, 266. Remarks: Sir M. Bowell, Mr. Almon, 268; Mr. Ferguson, 269.

MACPHERSON, SIR DAVID: Remarks on death of: Sir O. Mowat, 5; Sir M. Bowell, 6; Mr. Miller, 7; Mr. Allan, 8; Messrs. MacInnes (Burlington), Clemow, Power, 9.

MANITOBA AND NORTH-WESTERN RY. POSTAL FACILITIES: Inq. (Mr. Boulton), 236. Remarks, Mr. Perley, 237. Reply, Mr. Scott, 238.

MANITOBA REPRESENTATION. *See* "North-west."

MANITOBA SCHOOL QUES.: in debate on Speech from Throne (Mr. Power), 19; Mr. Béchard, 22; Sir M. Bowell, 28; Sir O. Mowat, 36; Mr. Ferguson (P.E.I.), 50; Mr. Boulton, 56; Mr. Primrose, 68; Mr. Scott, 75; Mr. Macdonald (B.C.), 81; Mr. Prowse, 83; Mr. Bernier, 90; Mr. Lougheed, 108; Mr. Wood, 115; Mr. Bellerose, 117; Mr. Clemow, 126; Mr. Armand, 130.

——— Inq. (Sir M. Bowell) as to par. in "Globe" *re* settlement, 224. Reply, Sir O. Mowat, 224.

——— Notice of Inq. (Sir M. Bowell), 345.

——— Mr. Bernier gives Notice of Inq. respecting, 345.

——— Inq. (Mr. Bernier) as to definite arrangements, 383. Reply, Sir O. Mowat, 383.

——— Inq. (Sir M. Bowell) if Govt. will investigate claims of minority, 384. Reply, Sir O. Mowat, 384.

MARTIN, MR.: appointment as judge, B.C., 239.

Mather Bridge and Power Co.'s Incorp. B. (14).—(Mr. Macdonald, B.C.) 1st, 2nd R. and rule suspended, 256; 3rd R.*, 381. (60 Vic., cap. 13.)

Militia Estimates B. (18).—1st, 2nd, 3rd R. and rules suspended, 154. Royal assent, 211. (60 Vic., cap. 1.)

MINUTES, OMISSION IN: Mr. Landry calls attention to same, 378. Remarks: Sir M. Bowell, 378; Messrs. McKay, Macdonald (B.C.), 379.

MONK, MR.: Remarks (Mr. Boulton) on death of, 51.

"MONTREAL HERALD": Paragraph objected to, 385.

Montreal, Ottawa and Georgian Bay Canal Co.'s Amt. B. (28).—(Mr. Clemow). 1st R.*, rules suspended, 2nd R. *m.* (Mr. Clemow), 310. Debated: Mr. Power, 310; Mr. Clemow, 311; 3rd R*, 344. (60 Vic., cap. 11.)

MORTON, MR. *See* "Dismissal of Mr. Dixon."

MURRAY HARBOUR, SOUTH, BRANCH RY.: *See* "Branch Rys. in P.E.I.

NATIONAL POLICY, BENEFITS DERIVED FROM: In Debate on Speech from Throne, (Mr. Clemow), 122.

Nordheimer, Albert, Relief B. (D).—(Mr. Clemow). Introduced*, 151; 2nd R.*, 224; 3rd R., 240. (60 Vic., cap. 16.)

Niagara Central Ry. Co. *See* "St. Clair."

NIAGARA FALLS WATER POWER. *See* Bill 14, 380.

N. W. EXHIBITION, REGINA: Mr. Perley asks that grant be given, 344.

——— Inq. (Mr. Perley), 383. Reply, Sir O. Mowat, 383.

North-west Territories Representation Act Amt. B. (38).—(Mr. Scott). 1st, 2nd, R., 393. 3rd R., 394.

NORTH-WEST JUDGES: Inq. (Mr. Lougheed) 189. Reply (Sir O. Mowat), 189.

NORTH-WEST: Inq. (Mr. Boulton) if Govt. propose to increase representation, 234. Reply Sir O. Mowat, 235.

Ontario Building and Loan and Savings Cos. B. (B).—Introduced *, 131; 2nd R., 156. In Com., 209. Reported, 211. 3rd R. *, 211.

ORDER AND PROCEDURE: Minutes, Mr. Landry calls attention to omission *re* Restaurant Com.'s Rep., ruling of Speaker, 378.

Ottawa, Arnprior and Parry Sound Ry. Co. and Parry Sound Ry. Co.'s Amalgamation B. (15).—(Mr. McCallum.) 1st, 2nd R. *, rule suspended, 256. Reported, Mr. Dickey, 294. 3rd R. *, 294. (60 Vic., cap. 8.)

OTTAWA IMPROVEMENT OF: Inq. (Mr. Clemow) as to statement made by Premier, 381. Reply, Sir O. Mowat, 382. Remarks: Messrs. Macdonald (B.C.), Dickey, Boulton, Sir M. Bowell, 382.

Parry Sound Ry. Co. *See* "Ottawa."

PATRONS OF INDUSTRY: Letter from Senator Boulton, 283.

Payment of Policies of Insurance by Foreign Co.'s B. (C).—1st R. postponed, 5; 1st R. *, 131; 2nd R., 157; M. to refer to Com. of Whole wthdn., 165.

PAYNE, J. L.: M. (Sir M. Bowell) for papers respecting case of, 150, 240, 269. Amt., Sir O. Mowat, 149. Remarks: Mr. Scott, 241, 269.

——— Delayed Returns: Inq., Sir M. Bowell; Reply, Mr. Scott, 211.

——— Return presented, 233.

PELTETIER, HON. MR., chosen Speaker of the Senate, 3.

PERRY, E. *See* "Dismissals in N.B.," 372.

PETIT, MR. *See* "Government Contract Broking."

POINTON DIVORCE CASE: Petition presented (Mr McInnes, B.C.), 132. Debated, Messrs. Masson, Miller, 132.

Pointon, Charles Edward Uton, Relief B. (E).—(Mr. McInnes B.C.) Introduced*, 151; 2nd R.*, 224.

Policy of the Liberal Party respecting N.W.T.: in Debate on Speech from Throne (Mr. Lougheed), 110.

Population of the Provinces, 235.

Postal Facilities in Manitoba. *See* "Manitoba."

Prince Edward Island's Claim to Treaty of Washington Award, 290.

——— Ry. Employés Dismissed in 1878: Remark, (Mr. Power), 373.

Printing and Advertising. *See* Bills, Private.

Printing of Parlt. *See* "Committes."

Practice: Bills not to be Introduced till after consdn. of Address, 5.

Privilege, Ques. of: Sir M. Bowell calls attention to Statement by Minister of Railways as to seat in Senate, 10; Reply, Sir O. Mowat, 12. Mr. Béchard, 13.

Provincial Premiers and Dom. Govt. *See* Relations.

Proulx, J. B. *See* "Debate on dismissal of Mr. Dixon.

Public Works in P.E.I.: in Debate on Speech from Throne (Mr. Prowse), 87.

Railway Act *(pro forma)* **B.**—(Sir O. Mowat. Introduced*, 4.

Railway Act Amt. B. (A).—(Mr. McCallum.) Introduced*, 131. 2nd R., 155, 185. M. to refer to Com. of Whole, 188. In Com., 212, 224. 3rd R.*, 226.

Railway Development: in Debate on Speech from Throne (Mr. Boulton), 58.

Read, Hon. Senator: Remarks on death of: Sir O. Mowat, 5; Sir M. Bowell, 6; Mr. Power, 9.

Relations between England and United States: in Debate on Speech from Throne (Mr. Dever), 90.

Relations between Provincial Premiers and Dom. Govt.: Inq. (Mr. Kirchhoffer), 286. M., Sir O. Mowat, to adjn. debate, 292. Remarks: Sir M. Bowell, Messrs. Scott, Dever, Boulton, 293. Reply, Sir O. Mowat, 311. Remarks: Mr. Ferguson, 314; Sir M. Bowell, 318; Mr. McClelan, 320; Mr. Macdonald (P.E.I.), 321; Messrs. Perley, Prowse, 322; Mr. Dever, 323.

Representation Act Amt. B. (38). *See* "North-west."

Representation of B.C. in Cabinet: Inq. (Mr. Macdonald, B.C.), 166. Remarks: Mr. Lougheed, 167; Mr. McInnes (B.C.), 168; Sir Wm. Hingston, Mr. Boulton, 169; Mr. Power, 170. Reply, Sir O. Mowat, 170. Remarks: Sir M. Bowell, 172; Messrs. Masson, Miller, 173.

Restaurant Com.'s Rep. *See* "Bar of the Senate."

Returns Delayed:
Payne Papers: Inq. (Sir M. Bowell); Reply (Mr. Scott), 211.
Dismissal of Officers in P.E.I.: Inq. (Mr. Ferguson), 211; Reply (Mr. Scott), 212.
Returns, incomplete: *Re* dismissal of Fishery Officers (Mr. Ferguson), 232, 346; Reply (Mr. Scott), 232, 346.
——— Inq. (Mr. Ferguson), 239.

Rogers, Wm. *See* Committee, Printing.

Rules Suspended;
Notice of M. (Mr. Scott), 270.
M. (Mr. Scott) to suspend, 350.
Columbia Telegraph and Telephone Co.'s Incorp. B. (21), 293.
Mather Bridge Co.'s Incorp. B. (14), 256, 380.
Militia Estimates B. (18), 154.
Ottawa, Arnprior and Parry Sound Ry. Co.'s B. (15), 256.
Printing Com.: Adoption of 2nd and 3rd Reps., 392.
South Shore Ry. Co.'s B. (32), 310, 345.
Supply Bill No. 30, 236.

San Paulo, Canadian Emigration to. *See* Brazil.

Secretary of State, communication read announcing Appointment of Speaker, 3.

Selection of Speaker: in Debate on Speech from Throne (Mr. Bellerose), 116.

Senate and House of Commons Act Amt. B. (40).—(Mr. Scott). 1st, 2nd, 3rd R., 393. (60 Vic., cap. 4.)

Senators, Deceased (Sir David Macpherson and Hon. Mr. Read).—Remarks: Sir Oliver Mowat, 5; Sir M. Bowell, 6; Mr. Miller, 7; Mr. Allan, 8; Messrs. Clemow, MacInnes (Burlington), Power, 9.

——— Hon. Mr. Ferguson—Remarks: Sir O. Mowat, 233; Sir M. Bowell, 234.

Senators, New, Introduced:
Béchard, Hon. François, 3.
Forget, Hon. Louis J., 3.
Mowat, Sir Oliver, 3.
Thibaudeau, Hon. A. A., 100.

Settlement of North-west: in Debate on Speech from Throne (Mr. Boulton), 57.

Simoneau, Mr. *See* Dismissal of H. C. Dixon.

South Shore Ry. Co.'s B. (32).—(Mr. Béchard) 1st R.*, rules suspended, 2nd R., 310. Reported, 344. 3rd R., 345. (60 Vic., cap. 10.)

Speeches from the Throne, 4, 395.

St. Catharines and Niagara Central Ry. Co.'s B. (31).—(Mr. McKindsey). 1st R.*, 2nd R.*, 310; 3rd R.*, 344. (60 Vic., cap. 9.)

St. Clair and Erie Ship Canal Co.'s Amt. B. (11)—(Mr. MacInnes, Burlington.) 1st R., 223; 2nd R. *m.*, 223; objections raised, 223; 2nd R., 229; 3rd R., 241. (60 Vic., cap. 12.)

STARRATT, WM. S. *See* "Dismissals of Officials in N.B., 350.

STEWART, ROBT. *See* "Dismissals in N.B.," 356.

STILES, JOHN R. *See* "Dismissals in N.B.," 350.

STRONG, SIR HENRY, Deputy Governor, 3.
——— Assents to Militia Estimates B., 211.
——— Supply Bill (Partial), 239.

SUGAR AND SPIRITS: M. (Mr. Boulton) to remove tax on sugar and increase excise on spirits, 270. Remarks: Mr. Villeneuve, 274; Mr. Primrose, 282; Mr. Lougheed, 283. Reply, Sir O. Mowat, 285.

Supply Bill No. 1. *See* **Militia Estimates B. (18).**

Supply Bill (partial) 30.—1st, 2nd, 3rd R., 236. Royal assent, 239. (60 Vic., cap. 2.)

Supply Bill (39).—(Sir O. Mowat.) 1st, 2nd, 3rd R., 394. (60 Vic., cap. 3.)

Supreme Court *ad hoc* Judges B. (F).—(Sir O. Mowat.) 1st R., 153; 2nd R., 199. M. to refer to Com. of Whole, 209. In Com. of Whole, 214. Title changed (see Bills seriatim), 223. 3rd R. *m.*, 226.

Supreme Court Temporary Judges appointment. *See Supra.*

TARIFF REVISION: in Debate on Speech from Throne (Mr. Power), 17; Mr. Béchard, 22; Sir M. Bowell, 30; Sir O. Mowat, 37; Mr. Ferguson (P.E.I.), 45; Mr. Boulton, 62; Mr. Primrose, 69; Mr. Prowse, 82; Mr. Dever, 88; Mr. Wood, 114; Mr. Bellerose, 118; Mr. Clemow, 122; Mr. McClelan, 128.

"TORONTO WORLD": Paragraph objected to, 385.

UNITED STATES CIVIL SERVICE SYSTEM. *See* "Dismissals in N.B.," 366.

Wesleyan Methodist Connection Incorp. B. (G).—(Mr. Macdonald B.C.). 1st R., 166; 2nd R., 227. B. wthdn., fees refunded, 270.

"WASHINGTON OF THE NORTH." *See* "Ottawa."

WASHINGTON TREATY. *See* "Relations between Prov. Premiers and Dom. Govt.

WEIGHTS AND MEASURES INSPECTORS. *See* "Dismissals in N.B., 353, 362, 371.

YEO, JAMES. *See* "Appointments deferred."

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